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LONG ON CHAEL JACKSON

VICTOR DAVIS HANSON: Can the Military Hack It?

NATIONAL REVIEW

UNLEASH JAPAN

Why the U.S. needs Tokyo to abandon its pacifism and counterbalance China

BY RICHARD LOWRY

PLUS: *BROOKHISER* on Giuliani
NORDLINGER on Sharansky
PRYCE-JONES on Elba (literally)

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Fiscal Conservatives Agree: Clinton-Era Direct Lending Program Has Failed

The Result: Over 500 Schools Nationwide Have Left the Direct Lending Program

"...based on faulty forecasts."

"The promise of savings is based on faulty forecasts that the FDLP would earn net interest income on the loans it makes. However, the GAO found that the Department of Education overestimated FDLP's interest income by 67 percent."

National Taxpayers Union NTU & NTUF National Taxpayers Union Foundation

John Berthoud
President
National Taxpayers Union
March 2005

"It Bleeds Money."

"In 2003, the most recent year for which data are available, the program's net costs exceeded $2.8 billion. The U.S. Government Accountability Office estimates the loan program has a cumulative net balance of minus $10.7 billion. It bleeds money."

FREE ENTERPRISE FUND

Stephen Moore
President
Free Enterprise Fund
April 2005

"...waste tax dollars."

"Congress needs to wake up to the real costs of direct lending instead of expanding a program that continues to waste tax dollars it was purportedly designed to save."

CITIZENS AGAINST GOVERNMENT WASTE

Tom Schatz
President
Citizens Council Against Government Waste
March, 2005

"Losing more money with each passing year."

"But the direct lending program has been losing more money with each passing year. Last year....the program had interest costs that exceeded its interest and fee income by $2.9 billion....It is going ever deeper in the hole, with no end in sight."

Lawrence Lindsey
Lindsey Group
May 2004

Don't Reward Direct Lending For Failure

Partnership to Protect Affordable Student Loans
www.protectstudentloans.com

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JULY 4, 2005 VOL. LVII, NO. 12

NATIONAL REVIEW

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■ COVER STORY

Time for the Sun to Rise

It was an American team put together by Douglas MacArthur after World War II that wrote the Japanese constitution imposing pacifism as state policy. That was understandable 50 years ago. Now, the constraints of the Japanese constitution—and the Japanese attitudes that preserved them all these years—are senseless anachronisms. *By Richard Lowry*

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letters to the editor

DON'T FORGET GUNS

John Miller's "Matinee Mitt" (June 20) missed one important point: No one from the Republican party gets the go-ahead without the blessing of the U.S. gun lobby. Gun-owners in Massachusetts are an increasingly endangered species, as evidenced by decreasing numbers of hunting licenses as well as failures to renew handgun licenses and federal firearms-identification cards. Romney is a liberal when it comes to defending the Second Amendment. His rhetoric sounds reasonable to the average citizen, with its support for background checks and closing gun-show "loopholes." During his time in office he has been happy to have the Massachusetts legislature do his bidding so he doesn't get his hands dirty on the matter.

When the NRA and the Gun Owners of America get to work on Romney, the matinee will have a short run.

Bob Bertrand
Agawam, Mass.

BEING AND NOTHINGNESS

Daniel Oliver argues that in deciding the morality of abortion we are faced with "the need to make a choice while not knowing whether the fetus is a human being" ("Deciding Abortion," May 9). He asks "how we should decide how to behave in the absence of certain knowledge about the humanity of the fetus."

But elsewhere in the same essay Oliver provides the certain answer he says we lack. "[S]cience agrees [that the embryo] is alive and that it has the DNA of the human species, and DNA distinct from its mother's." We know the embryo exists. It is a being. What other kind of living being can it be, if not a human being?

The difficulty in Oliver's essay is the conflation of the terms "being" and "person." "Being" has a metaphysically precise meaning. "Person" is defined in several different ways.

Francis M. McLaughlin
West Roxbury, Mass.

A BANKRUPT IDEA

Ramesh Ponnuru's "Option Four" (June 6) made some good points, especially in advocating the equal treatment of all non-married people who share a home and are financially interdependent, whether or not their relationships are sexual. But I do have a problem with granting "civil unions" official legal status, out of fear that this may eventually result in government's requiring all employers to provide to such non-married couples the pension and health benefits that are currently provided only to married couples. The same goes for Social Security benefits. These changes would advance the bankruptcy date of Social Security by years, and impose enormous benefit costs on all public and private employers. Married couples provide a significant contribution to society through the procreation and education of children, making possible the continuation of the human race. This is why societies have for eons given them special benefits and recognition.

Frank J. Russo Jr.
Port Washington, N.Y.

AN ELEVENTH POINT

Mark Krikorian's "Re: Immigration" (May 23) is excellent. His approach to the reduction of illegal immigration is entirely reasonable. I would, however, like to add one more item to his ten-point package, which I feel would further reduce the incentive to cross our borders illegally. Simply put: Stop the automatic issuing of citizenship to children who are born here of illegal parents.

This was not the original intent of the citizenship clause of the Fourteenth Amendment, passed in 1866. According to one of the clause's authors, citizenship does not include "persons born in the United States who are foreigners, aliens, who belong to the families of ambassadors or foreign ministers accredited to the Government of the United States, but will include every other class of persons."

Frank Madarasz
Madison, Ala.

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THE WEEK

■ Actually, they *do* still have Nixon to kick around!

■ President Bush pressed Congress to renew the Patriot Act. Critics of the act have frequently been hysterical, but, as Bush noted, there have been no documented abuses of the act. Many of its contested provisions—such as the one that allows investigators, when judges consent, to conduct searches of terrorist suspects without telling them until afterward—strike us as needed tools for law enforcement. We continue to hold reservations, however, about the effort to expand Patriot by allowing terrorism investigators to issue "administrative subpoenas" without getting a judge to sign off. The argument for the subpoena power is that getting a judge's approval is time-consuming. But it has not been established that the burden here is very great, and there is value in having some judicial oversight of executive-branch demands for information. The left-right alliance against the Patriot Act has, unfortunately, been too immersed in kookery to mount a focused critique of particular legislative proposals. Congressmen should do better—by renewing Patriot without expanding it to include administrative subpoenas.

■ What does it take to convince a court in Washington State that last year's gubernatorial election—"won" by Democrat Christine Gregoire by a 129-vote margin—was irredeemably flawed? Apparently, rock-solid evidence of dead people voting, felons voting, provisional votes being mishandled, and votes mysteriously appearing and disappearing is not enough. Republican candidate Dino Rossi found just such evidence, and challenged the results in court, but on June 6, Judge John Bridges dismissed Rossi's lawsuit. Rossi did not claim that he had actually won the election (although an excellent case could be made that he had). Instead, Rossi argued that the final count was so tainted, so incomplete, and so confused that the true winner of the contest simply could not be known. Therefore, he made the relatively modest request for a re-vote. But even though GOP researchers cited thousands of examples of irregularities—and Bridges conceded that more than 1,600 votes were improperly counted—the court ruled that there was no way to know whom the questionable votes would have gone to. Therefore, no new election. After the verdict, Rossi, citing the "political makeup" of the Washington State supreme court (it is dominated by Democrats), announced that he would not appeal the ruling. Gregoire hangs on as Washington State's elected governor, with an asterisk.

■ It turns out that John Kerry and George W. Bush, Yale students of the mid-Sixties, were both solid C students. Kerry, class of '66, had a cumulative average of 76; Bush, class of '68, averaged about 77 (Yale switched to non-numerical grading in Bush's senior year, which explains the "about"). The

The Capital Gang (see page 12)

cream of our MSM, graduates of fancy schools all, no doubt smile inwardly at their superiority, even to the candidate they preferred. Don't smile too much: Historian Gaddis Smith, who taught both Bush and Kerry, points out that post-Sixties grade inflation would boost their scores by at least ten points. And who says that testing well is the most important qualification for the White House? A slew of smart but troubled presidents, from John Adams to Richard Nixon, can answer that one. We are debating these questions now, of course, because Kerry would not release his Navy records, and hence his college transcript, before America voted (he still hasn't released all his Navy records). The contrast between his alleged intelligence and Bush's supposed dumbness was too important to be complicated by facts. If Kerry wrote college papers that way, he's lucky he got Cs and Ds.

■ Rep. Katherine Harris earned all the right enemies in 2000, when she was serving as Florida's secretary of state and played an important role in certifying George W. Bush's victory in Florida. By taking the responsibilities of her office

ROMAN GENN

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America's High Schools, 2030

KURT M. LANDGRAF,
PRESIDENT & CEO, ETS

If you knew of a serious problem that would only get worse unless you took action now, wouldn't you start working to resolve it immediately? That's the situation we're facing with regard to the performance of America's public high schools.

According to ETS's most recent nationwide survey of Americans' views on key issues in education, 76 percent of adults believe the U.S. will be less competitive 25 years from now if we don't fix our high schools today. Half say the secondary education system needs either major changes or a complete overhaul.

Clearly, Americans think it's time to get to work on high school reform.

But the survey data also point to a disconnect between the public on the one hand, and high school educators on the other with regard to the nature of the problem and potential solutions.

For instance, our bipartisan polling team of Peter Hart and David Winston asked people whether all high school students should be held to a uniform standard of academic performance regardless of their background. Uniform standards are at the core of efforts to close the achievement gap and overcome what President Bush has called "the soft bigotry of low expectations."

We found that almost 60 percent of parents of K-12 students favor uniform standards, versus only 26 percent of teachers and school administrators. That disconnect on such an important issue is deeply troubling. Over time, it stands to test the public's patience with the pace of reform.

Nevertheless, other results point to common ground for reform, particularly in the areas of curriculum improvement and teacher quality:

- only 9% of adults — and 12% of teachers — believe students are being "significantly challenged" in high school
- 74% strongly favor ensuring that teachers are experts in the subjects they're teaching
- 80% support increased teacher salaries to hire and retain more well-qualified teachers even if it means higher taxes

Good, clear data such as these are helping to inform the national discussion on high school reform. In the coming weeks, we will help move reform forward by ensuring that parents, educators, policymakers and the public are exposed to this important information.

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THE WEEK...

seriously, she became a national figure—something she didn't ask for, but an opportunity she used to win election to the House of Representatives in 2002. Harris has compiled a solid conservative record, and by some accounts she is the GOP's best fundraiser (besides President Bush and Vice President Cheney). Because of this, Harris probably won't draw a significant primary opponent in her effort to unseat Democratic senator Bill Nelson—a race that now becomes one of the most-watched contests of 2006, and one of the best chances for Republicans to increase their majority.

■ Who is MD4Bush? Last fall, someone using that screen name engaged Joseph Steffen in a series of private e-mails through the conservative forum Free Republic.com. MD4Bush tried to get Steffen, a Maryland state employee with ties to Gov. Bob Erlich, to discuss rumors about Baltimore mayor Martin O'Malley, who is considering running against Ehrlich in 2006. Steffen was reluctant: "I cannot and will not offer suggestions that may be considered unethical concerning what you should do, campaign-wise. This is especially true concerning [O'Malley's] personal life." Eventually, he made vague reference to efforts to spread the rumors, although he has explained since that he wasn't referring to anything he or Ehrlich's team had done. Nonetheless, in February someone provided these private e-mails to the *Washington Post*, which then launched a full-scale attack on Steffen and Ehrlich. Steffen resigned, but WBAL-TV reporters smell a rat in the whole imbroglio. Their reporting uncovered the existence of disgruntled former state employee Michelle Lane, who had a friendship-gone-sour with Steffen, attempted to blackmail Ehrlich, and made overtures to O'Malley's top political operatives. Mighty curious. Stay tuned . . .

■ (John) O'Sullivan's First Law states that all organizations that are not explicitly conservative become left-wing over time. For redundant proof, look to Amnesty International. Its political neutrality long ago morphed into Third Worldism and anti-Western agitprop. Quite typically, Irene Khan, the present secretary general, calls Guantanamo "the Gulag of our times," and William Schulz, the organization's U.S. director, echoes her. Twenty-five million or so were deported in cattle trains to the real Gulag. They went there to die, as Solzhenitsyn explains on the very first page of his masterpiece, *The Gulag Archipelago*, and die they did, also in the millions, from frost, starvation, disease, forced labor in a mine or forest, a bullet from a guard. The corpses couldn't be buried in the permafrost. Another survivor, Evgenia Ginzburg, came upon a sleigh laden with cuts of human flesh. Any of that going on in Guantanamo, with its three squares a day and prayer rugs? Is the American KGB busy filling quotas of victims? Apparatchiks like Khan and Schulz are not ignorant slanderers but knowing exploiters of the innocent dead in a real atrocity, and that is hard to forgive.

■ A host of Americans, from Jimmy Carter to Sen. Joe Biden to Sen. Mel Martinez, have called for shutting down Guantanamo. While they do not agree with Amnesty International that the facility is the modern Gulag, they consider it a national embarrassment. Carter, who is not embarrassed to be the despots' toilet brush, is a hopeless case. The other gentlemen must get a grip. Guantanamo is the focus of critical reports, in part because it is Qaeda strategy to claim mistreatment. The Koran is better treated there than the Ten Commandments in American schoolrooms. We must keep prisoners somewhere; shall we let all the terror suspects go? The American assault on Guantanamo is a species of self-hating insanity. Donald Rumsfeld and Dick Cheney have been defending our record, but this case has to be made, and closed, by the president.

■ Chuck Hagel, the Republican senator from Nebraska, wants to be president. He has already established a name for himself in the party as a de facto opponent of the Iraq war and an advocate of a soft line toward Iran. In recent weeks, he has added to his resume with support for international action against global warming, hand-wringing indecision on the Bolton nomination, and ambiguity about whether we should close Guantanamo. If Hagel has a strategy for winning the Republican nomination, it must be awfully crafty.

■ "Intent upon consolidating and abusing power to further their own agenda . . . people who have no shame about what they're doing . . . people who have never been acquainted with the truth . . . it's only our Constitution and country at stake." Okay, okay. We didn't like the Clintons, neither Mr. nor Mrs.; we said many harsh things about the Clintons when Mr. was president; we said some of these very things. But even conservatives—especially conservatives—must realize that time moves on. To fight Hillary Clinton in 2005 with the hot-blooded rhetoric of the late Nineties (however justified it was at the time) is to stay stuck in the past—Wait, wait: All those things were said by Hillary Clinton herself, of W. and the GOP, at a "Women for Hillary" fundraiser in New York a couple of weeks ago. Strange how the mind works. Psychoanalysts call it splitting, and projection. Our fee is $200, we take insurance, come back the same time next week.

■ As Congress debates the Central American Free Trade Agreement, it must decide not merely whether to advance America's economic interests, but also whether to reaffirm our decades-long commitment to Central American democracy. CAFTA would liberalize trade between the U.S. and Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and the Dominican Republic, bringing greater wealth to all involved. Significantly, this would strengthen the Central American middle class at a time when Daniel Ortega remains a powerful force in Nicaragua and, throughout Latin America, the anti-democratic, anti-American message of Hugo Chávez gains ever-wider currency. An alliance of powerful lobbies and preening moralists threatens to derail the pact. It includes the AFL-CIO's John Sweeney, who never met a trade deal he didn't hate; the sugar industry, which fears the staggering

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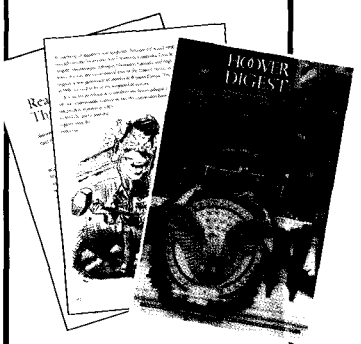
Homeless No More?

HOOVER DIGEST
RESEARCH AND OPINION ON PUBLIC POLICY



FREE ISSUE

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A recent Gallup Poll found that "nearly two-thirds of Americans are concerned about hunger and homelessness in the nation." Such widespread unease has the attention of public officials from city mayors up to the president, and they are lining up to address the homeless issue. Over the past year, communities in every state have joined with the federal government on a national initiative to end chronic homelessness in ten years.

The chronically homeless make up just 10 percent of the homeless population nationwide but use 50 percent of the sheltering resources and other costly public services such as emergency rooms, detox facilities, jails, and courts. This results from the intensity of the problems experienced—the chronically homeless lack stable housing for long periods of time (often years), frequently suffer from mental illnesses, and begin with or later acquire serious physical disabilities and drug and alcohol addictions.

By targeting the chronically homeless, the Bush administration hopes to solve a finite problem affecting community safety and attractiveness and to free up resources for homeless youth and families. Another motivating factor, backed increasingly by federal dollars, is the emphasis on ending rather than managing homelessness. What sets this "new approach" apart from past efforts?

First, planning to end chronic homelessness brings with it a demand for accurate and detailed information on who is homeless, why, and what services they use. Moreover, it is important to know which programs are successful in ending homelessness. A decade ago, this type of data collection was rarely done—primarily due to opposition among homeless service providers over issues of privacy. Today, the demand for data to verify reductions in the number of homeless and hold programs accountable for results dominates privacy concerns. This is, overall, a positive development that should improve the delivery of housing and services and help eliminate ineffective programs.

Second, we're seeing a reorientation of the role of jails, hospitals, welfare programs, and the foster care system in preventing homelessness for those no longer under their care. Efforts are under way to coordinate discharges and place clients directly into transitional or permanent housing, thereby reducing the probability of their becoming homeless. This too is a useful idea but one that may be more difficult to implement considering the limited resources of mainstream public services and their tendency to resist change.

Third, the task of ending chronic homelessness has elevated the provision of permanent support services housing above emergency shelter remedies. By linking housing with on-site counseling, substance abuse treatment, and health care, the heavy use of public services is reduced. **Proponents of supportive housing see a comprehensive and permanent fix to chronic homelessness for little or no additional cost, which has communities across the country energized.** This may be an instance, however, where more is promised than can be delivered.

Will we end chronic homelessness in ten years? No. But the changes now under way in cities both large and small will move us closer to this goal.

—Jeffrey M. Jones

Jeffrey M. Jones is a research fellow at the Hoover Institution.

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THE WEEK...

1.4 percent rise in sugar imports that CAFTA would allow; and the Left's usual sentimentalists, who denounce trade agreements with any nation where labor and environmental standards differ from those found in Ann Arbor, Mich. (This type stubbornly fails to understand that trade and foreign investment are among the surest ways to *raise* such standards.) To reject CAFTA would be to forgo an important economic opportunity and to strengthen the hand of would-be despots. Congress should turn its back on the protectionists.

■ It's hard to imagine that President Bush could have made a better choice for chairman of the Securities and Exchange Commission than Chris Cox, the former securities lawyer and market-oriented congressman from California. Bush's first two choices for SEC chief were less inspired. In the post-Enron hysteria over accounting practices, Harvey Pitt faced enormous pressure to regulate corporate America to death. He did not give in to that pressure—but he could not successfully resist it, either. He was unable to make an argument for market solutions to accounting problems, and was too compromised by his ties to the accounting industry to be credible even if he had. William Donaldson, Pitt's successor, bought himself better press by joining the regulators and forcing through a number of unnecessary rules that compromise efficiency and stifle competition. Cox can be expected not to repeat that mistake, and to defend his policies with intelligence and clarity.

■ Gov. Arnold Schwarzenegger recently signed an executive order committing California to the world's most ambitious program for reducing greenhouse-gas emissions. Shortly thereafter, President Bush came under fire when the *New York Times* reported that an administration official "repeatedly edited government climate reports in ways that play down links between [greenhouse gas] emissions and global warming." These changes were, in fact, trivial, and amounted to little more than the occasional insertion of adverbs. There is nothing nefarious about an official's making small adjustments in a document's emphasis in order to render it more harmonious with the administration's policy, and the fallout from the *Times* report is likely to be limited. But it is reasonable to ask whether Bush will be able to resist continuing pressure to implement guidelines similar to California's. Fortunately, the answer to that question is probably yes. Schwarzenegger may feel constrained to please his Green constituency, but a U.S. president accountable to a national electorate faces no such pressure. In any case, Schwarzenegger hasn't explained exactly how he will achieve his targets—and by the time Californians notice the mismatch between promise and reality, the governor will be long retired, and his promises largely forgotten.

■ The FBI arrested a father and his 22-year-old son when the latter admitted—after both had denied—that he had attended a jihadist training camp in Pakistan possibly run by al-Qaeda. After the arrest, three more members of the Lodi, Calif., Muslim community in which the father and son lived were detained, all for immigration violations. The case draws attention to suspected Qaeda training camps in Pakistan, as well as to a possible network of Qaeda sympathizers in Lodi. The vigilance of law enforcement in investigating the suspected sleeper cell is encouraging. Less confidence-inspiring, however, is the fact that the now-arrested son was found on a commercial airplane, *in flight*, when his name was discovered to be on the no-fly list. Surely civilians everywhere would be safer if such characters were detained *before* they are allowed into the skies.

■ It doesn't much matter who wins the Iranian presidential election, scheduled to take place the day after this issue goes to print. The all-powerful Guardian Council, appointed by Ayatollah Khamenei, disqualified about 1,000 potential candidates, ultimately reducing the field to eight. Moreover, whoever is elected will be subordinate to, and limited by, that clerical body. Dissidents and student leaders have encouraged a nationwide boycott to deny legitimacy to what they see as a sham process, and protests against the regime—already a mainstay of Iranian life—have picked up in recent weeks. For instance, a number of political prisoners have gone on hunger strike, including the courageous Akbar Ganji, one of the original signatories of the call for a national referendum on the Iranian constitution. Ganji gave an interview during a recent furlough from prison in which he reiterated the call for a boycott of the vote. "I know that saying this in Iran means playing with my life," he said. "I have chosen this with that knowledge and will accept the consequence." The Bush administration has, to its credit, questioned the validity of the election. But now it should start lending more than occasional rhetorical support to freedom-fighting Iranians such as Akbar Ganji.

■ Of all the changes now taking place in the Middle East, perhaps the most hopeful is the growing political presence of women, long the special victims of dictatorship and extreme Islamic culture. In Kuwait, women were recently granted full political rights, a long-sought recognition. In Egypt, assaults on female demonstrators at an anti-regime rally prompted hundreds to take to the streets in protest, and seem to have galvanized some kind of women's movement. In Iran, where one of the region's most repressive regimes is in charge, women came out in force to protest gender discrimination in the first public display of dissent by women since the Islamic revolution. Some demonstrators are even said to have taken off their mandatory veils, though they knew they were being filmed by security agents. It's difficult to say whether the demands of Arab and Muslim liberals will be met in our lifetimes. But the increasing boldness of reformers such as the women of Kuwait, Egypt, and Iran gives cause for optimism.

■ The Tenth Congress of the Syrian Baath party met in Damascus, threatened from three directions. Iraq's January elections provide a model of regional change; Lebanon's Cedar Revolution threatens Syria's satrapy and cash cow; popular discontent infects Syria itself. To meet these threats, Syria funnels terrorists into Iraq; it withdrew troops from Lebanon, while continuing to meddle, assassinating journalist Samir Kassir and fishing in the troubled waters of Lebanese politics; and it announced, via the Baath congress, domestic reforms

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The *real* issues of Social Security reform

There is no longer any doubt that Social Security needs to be reformed. The nation's troubled retirement program will begin running a deficit in just 12 years. Overall, the program faces unfunded liabilities of more than $12 trillion. But while the politicians in Washington debate whether this represents a crisis or just a big problem, the Cato Institute believes it is an opportunity to build a new and better retirement program for all Americans.

Ownership

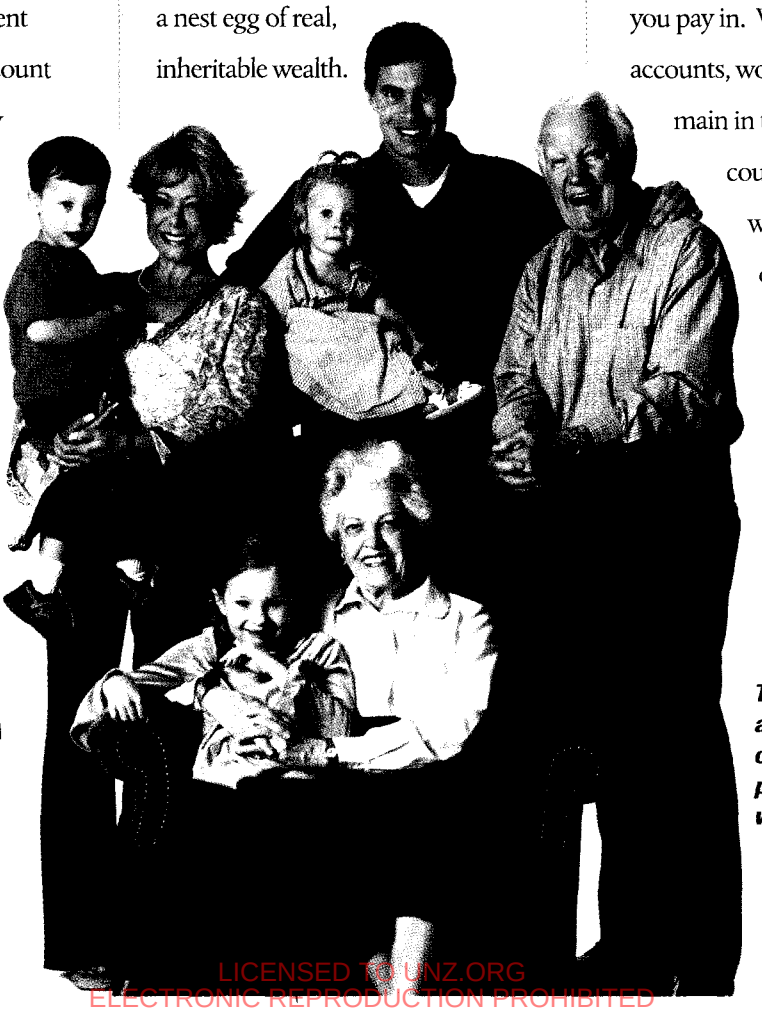
Under the current Social Security system you have no legal, contractual, or property rights to your benefits. What you receive from Social Security is entirely up to the 535 members of Congress. But personal retirement accounts would give you ownership and control over your retirement funds. The money in your account would belong to you—money the politicians could never take away.

Inheritability

Because you don't own your Social Security benefits under the current system, they are not inheritable. Millions of workers are not able to pass anything on to their loved ones. But personal retirement accounts would change that by enabling you to build a nest egg of real, inheritable wealth.

Choice

Choice is part of the essence of America. Yet when it comes to retirement, Congress forces all Americans into a one-size-fits-all, cookie-cutter retirement program, a system that cannot pay the benefits it has promised and under which you have no right to the money you pay in. With personal retirement accounts, workers who wanted to remain in traditional Social Security could do so. But younger workers who wanted a choice to save and invest for their future retirement would have that option.



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THE WEEK...

that are cosmetic only. The crucial player may be the United States: While helping to murder American servicemen and hoping to derail the push for transformation in the Middle East, Syria also obliges us in little ways, trying to show a good face. The administration has to have a second-term strategy for second-tier enemies.

■ By a vote of 62-to-38 percent, Dutch voters gave the proposed European constitution a stinging *nee*, shortly after the French *non*. Tony Blair, Europe's biggest British fan, called for a period of "reflection" on the document's fate, as his government announced that it would not hold a planned referendum. The British pause was widely greeted as a third blow to the Euro-constitution, but it is also obviously the only way the Blair government can help it. The gnomes of Brussels will continue to push the constitution forward, hoping for a shift of sentiment, whereupon Britain could take the plunge, while France and Holland would be called to repentance. Vote it down, kill it, and tell Brussels not to come back with another.

■ It's hard to believe that Georgia's Rose Revolution was less than two years ago, and we're cheered by what we've seen since: the Orange Revolution in Ukraine, the Purple Revolution in Iraq, the Cedar Revolution in Lebanon, the Tulip Revolution in Kyrgyzstan. We may soon add another to the list if recent protests in Azerbaijan escalate in the lead-up to parliamentary elections in November. The former Soviet republic is ruled by Ilham Aliev, the son of its Soviet-era henchman Geidar Aliev, and the election in 2003 that brought Ilham to power was indisputably rigged. So when 10,000 protesters marched across Azerbaijan's capital on June 4 demanding free elections and democratic reforms, one could not help hearing echoes of the other former Soviet republics that have shed the last shackles of the USSR in recent years. Note, too, that protesters in this predominantly Muslim country carried posters of President Bush. Some may tire of the naming of democratic revolutions—Rose, Tulip, etc.—but this is one media trend we're happy to see continue.

DEAN'S SITUATION

When out of power like the Dems,
The chairman plots the stratagems—
Wheedles the donors, sets the tone
And, when required, shows backbone;
The signs were there for all to see,
The rude asides, the manic glee,
The screams that escalated till
They even bugged Donna Brazile.

—W. H. VON DREELE

■ At a meeting of the G8, the Bush administration agreed to cancel at least $40 billion in debt owed to international lenders by the world's 18 poorest countries, most of them in Africa. In earlier negotiations with Britain, the United States had pressed to have the lenders write off the loans entirely; Britain argued that rich nations should repay the debts themselves. The final deal struck by the world's eight wealthiest countries represented something of a compromise, but it leaned strongly toward Blair's position: The debts were canceled, but the United States and others agreed to compensate the World Bank and the African Development Bank for forfeiting interest on them. That means that these institutions will be able to continue their lending as before, without having to confront past mistakes. The Bush administration had the right instinct: Such lending has failed to help poor nations develop, and absent competent governance it will continue to fail. There is also of course the matter of rewarding bad behavior on the part of the debtors. The real issue here—the one no one is talking about—is that these countries are politically a mess. But confronting that problem would be much harder than throwing more money to the wind.

■ China has nuclear weapons and the third-largest military budget on the planet; mounts invasion exercises directed at Taiwan, and fires the occasional missile as a warning shot at them; has bought into the European satellite guidance system known as Galileo, which has a military dimension; maintains a standing army of several million; and is currently deploying 4,000 troops in Sudan, the first Chinese imperial venture for several centuries. It doesn't take a Clausewitz to realize that something with most alarming implications for everyone is going on in that Communist state. At an Asian security conference in Singapore, defense secretary Donald Rumsfeld did what he's good at, and asked a simple question: Since nobody threatens China, what is all this military expansion about? He went on to say that ultimately China will need to embrace some form of open, representative government. Beijing's delegate at the conference asked whether Rumsfeld truly believes that the United States feels threatened by the "so-called emergence of China," as he put it in the deadpan style that has served Chinese diplomats so well for so long. Well, yes, actually, and in the years to come successive defense secretaries, whoever they are, are going to have to take up where Rumsfeld left off.

■ When criticized for suppressing religious freedom, China's Communist rulers sometimes claim that churches in all countries are required to register with their governments. Meanwhile, word escapes Jilin province that 600 worshippers in underground Christian churches there were recently arrested. Yes, that's *precisely* how we do things in America. In other news, Cai Zhuohua, a Chinese pastor arrested last year for printing Bibles without state permission, is scheduled to be tried as NR goes to print. He faces a possible life sentence. If the trial proceeds with the fairness and transparency for which the Chinese legal system is celebrated, we shall probably never hear from Cai again.

■ A recent episode of the crime drama *Tatort*, which airs on taxpayer-funded German television and is watched by 7 million

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viewers, portrayed the brutal attacks of September 11 as the work of President Bush. The story centered on a brave woman who was compelled by circumstance to wage battle against the world's true source of terror after discovering in her apartment the body of a man trained by the U.S. to participate in 9/11. Naturally, American agents set their sights on her. While the woman was initially dismissed by those around her, she was, in keeping with the tired old plot of nearly all conspiratorial hallucinations, ultimately vindicated when German authorities came to accept the credibility of her account. This type of tale clearly resonates in a nation where, according to a poll published in *Die Zeit*, nearly one-third of Germans under 30 believe that the U.S. itself may have been the principal actor behind 9/11. Let's not be too hasty to look down on the delusions of the Arab world. Countries reputed to be rational, and allied with us, share a disturbing number of them.

■ George Zeliotis, a 73-year-old retired salesman from Montreal, may have brought a bit of economic freedom to Canada. Faced with the prospect of an entire year of excruciating pain while meekly queuing for government-provided surgery, he attempted unsuccessfully to make private arrangements with his doctor for care outside the public system. But Canada bans private medical insurance. The result was a lawsuit in which the country's supreme court ultimately sided with Mr. Zeliotis. As Chief Justice Beverley McLachlin asserted, "Access to a waiting list is not access to health care." The ban is gone, at least in Quebec. And Canada may soon be out of the highly exclusive club of countries that ban private medical insurance, which has now dwindled to Cuba and North Korea.

■ Britain's Labour government has placed before Parliament a bill that will ban speech or writing "likely to stir up . . . religious hatred." The maximum sentence for those found guilty of this vague, subjectively defined offense will be seven years in prison. The government had admitted that not only major religions will be covered, but also fringe sects, as well as atheists and humanists. So if you think that voodoo ought to be discouraged, you will no longer be permitted to say so in Her Majesty's realm. Since, in the nature of the "offense," arrests and prosecutions will arise from complaints by persons offended, the prickliest and most defensive of believers will, in practice, be the ones getting the most protection under this new law. Which believers would those be? To ask the question is to answer it. In fact, the main point here is to curry favor with Britain's ballooning Muslim population, whose votes are being poached away from Labour by the more left-wing Liberal Democrats. This is the most disgraceful piece of legislation to come out of the Blair government yet, far surpassing in cynicism and illiberality last year's fox-hunting ban.

■ Those friendly English bobbies may be friendlier than you think. One subset of them, the Gay Police Association, is hosting an event called Celebrate, at which delegates from all

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The Week...

European Community nations will gather in London to discuss such vital law-enforcement topics as, to quote from the list of—what else?—"workshops" advertised on the Celebrate website: "Monitoring sexual orientation in the police service" . . . "Strategies for lobbying government and negotiating with chief officers" . . . "A pan-European look at same-sex pension inequality" . . . "Strategies for dealing with an institutionally homophobic press" . . . "Songs of hate: Policing homophobic lyrics." Anything about catching thieves and killers? Well, there's "Investigating homophobic murders," and, "A look at domestic violence issues for gay women in abusive relationships." But who cares about that boring old-style police work? The central theme here is "to actively celebrate difference, not merely to tolerate or even respect it." Note well: If you merely tolerate or even respect homosexuality, you have not reached full enlightenment—are probably still, in your heart, a hate-filled bigot. You must *celebrate* the thing. Actively. With a police officer.

■ In these days of frippery and idiocy on our nation's campuses it's nice to know that there remain a few genuine scholars still interested in such quaint notions as the spirit of disinterested, unpoliticized inquiry. One such is William Kelso, the director of archeology at the Association for the Preservation of Virginia Antiquities. He recently discovered the skeleton of a 17th-century naval captain at the presumed site of Virginia's Jamestown. Kelso had a hunch the bones belonged to Bartholomew Gosnold, who founded the settlement in 1607 and died a few months later, aged 36. Hoping to prove his theory, Kelso is DNA-testing the bones and teeth of Gosnold's sister (lodged in the chancel of All Saints Church, in the English village of Shelley), as there are no living descendants. Gosnold is one of the silent, yet essential, founders of America. Among his other accomplishments, it was he who named Cape Cod and Martha's Vineyard, but Gosnold has for too long been overshadowed by such braggarts as Captain John Smith. The results of the DNA tests won't be known for some time, but we wait with bated breath. Maybe, in the meantime, Kelso can collaborate on a rap album with Cornel West.

■ The Venice Biennale, a leading showcase for avant-garde art, opened in mid-June. It has been clear for years that contemporary art must soon reach the outermost bounds of silliness, so that artists will either have to find real jobs or return to painting landscapes and still lifes in oils. It is plain from the Biennale catalogue that this happy day is still some way off. At this year's event, Miyako Ishiuchi of Japan will be exhibiting 33 photographs of her late mother's personal possessions—lipsticks, chemises, and girdles, assorted false teeth and combs still clumped with hair. Iceland's Gabríela Fridriksdóttir will be showing "a film of singer Björk . . . in which the Icelandic pixie is dolled up as the Venus of Willendorf and gives birth to a sticky 'demon'." A U.S.-Cuban collaboration by artists Jennifer Allora and Guillermo Calzadilla features a life-sized clay hippopotamus, with a woman reading on it and, occasionally, whistling. Britain's Gilbert and George will be there with an as yet undeclared exhibit. They responded to the organizer's invitation with: "We are delighted, and promise to do our very worst"—no empty threat from artists whose past work has included pictures of excrement and body fluids. It all confirms that the one artistic form that never stales for our avant-garde is self-parody.

■ *Capital Gang* is going off the air, and all our television sets will become quieter, and less interesting. Robert Novak, Mark Shields, Al Hunt, Margaret Carlson, and our very own Kate O'Beirne banged away at the issues of the day, each other, and prominent guests (they could summon anybody they wanted). What would Kate like to do next? Pickett's charge? Stand in the pass at Thermopylae? Fight Mike Tyson (that at least would be easier)? The show was smart, feisty, and passionately concerned about the worst system in the world, except for all the others. It will be missed.

THE LAW

A Case for Mercy

Many patients suffering from terrible diseases find that smoking marijuana provides them relief from their symptoms or from the side-effects of their treatment. The chief response to their plea for compassion, on the part of the drug warriors, has been to insist that the Food and Drug Administration has not determined that marijuana is a safe medicine, and that other palliatives are available. It is a despicable response coming from people who have never allowed researchers the freedom to conduct the detailed clinical trials that the FDA would need to verify safety. A cancer patient seeking a break from overwhelming nausea will hardly be consoled by the knowledge that the government is protecting him from the remote risks that pain relief might bring. Whatever the drug czar thinks, some of these patients say that marijuana substitutes do not work as well as marijuana in relieving their pain. Swallowing Marinol takes longer to work, is more expensive, and has more adverse side effects than smoking marijuana. Should we be happy that with marinol there is less risk that cancer patients will experience some illicit pleasure?

Several states have rejected this perverse logic in referenda. The Supreme Court has just ruled, however, that the federal government may continue to prohibit the medicinal use of marijuana. Whether marijuana-using patients in California will face the threat of jail time thus depends not on their state's laws but on the discretion of federal prosecutors.

Justice Scalia makes the best argument for the constitutionality of a federal ban. The federal government, he writes, has the authority under the commerce clause to prohibit interstate commerce in marijuana. It therefore has the authority under the necessary-and-proper clause to take whatever steps are required to make that prohibition effective. The personal use of marijuana may not be commerce. But if Congress has concluded that the personal use must be banned for a ban on

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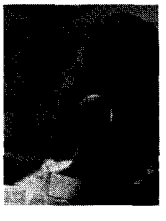

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interstate commerce to be effective, Scalia reasons, the Constitution allows it to act on that conclusion.

Even as a legal argument, Scalia's opinion is not entirely persuasive. If he is right, then the Prohibitionists were wrong to think they needed to enact the Eighteenth Amendment. They could have passed a statute banning alcohol possession and consumption, on the theory that it was necessary to ban the interstate commerce in alcohol.

But even if Scalia is ultimately correct to think that the courts should not second-guess Congress here, his legal argument sheds light on the folly of the federal policy. Allowing sick people to use marijuana probably would marginally reduce the effectiveness of federal anti-drug laws. But it's not as though those laws would be enforced perfectly in the absence of exemptions for medical marijuana. Other factors undermine the law's effectiveness far more: human nature; the economics of prohibition; the exemption from the law we give, in practice, to most casual drug users. Can it really be maintained that the drug laws are working so well for the nation that we cannot risk reducing their efficacy by giving cancer patients a break? And if not, shouldn't Congress amend the law?

POLITICS

The Problem of Howard Dean

As far as most Democratic politicians are concerned, what Howard Dean should do as chairman of their party is raise large sums of money to spend on their races and otherwise keep quiet. Alas for them, he is not doing either. Dean was supposed to be an innovative fundraiser—he used the Internet to outraise his opponents early in the 2004 Democratic presidential primaries—but so far his haul has been disappointing.

And Dean keeps making incendiary remarks: Tom DeLay should quit Congress and go to jail; Republicans don't mind early closing times for voting because many of them don't work an honest day; Republicans are evil; he hates Republicans; the Republican party is a "white Christian" party that is bigoted toward everyone else.

Now in point of fact, the Republican party does draw disproportionately from the majority of the country that is both white and Christian, as the Democratic party does from the minority of the country that is not. But it is hard to imagine Ken Mehlman, Dean's Republican counterpart, complaining that the Democratic party is a party for Jews, blacks, and agnostics. And it is hard to see how insulting and attacking people who have not been voting for Democrats will persuade them to start.

Many Democrats wince when Dean makes these remarks. So far, the list of Democrats who have rebuked Dean includes Barney Frank, Barack Obama, Joe Biden, Ben Nelson, Joe Lieberman, Nancy Pelosi, and Rahm Emanuel. These Democrats span the spectrum of the party. It is not just conservative Democrats who object to Dean's rantings; it is Democrats who are concerned about their party's future. They are well aware that while Republicans have faltered in recent months—Social Security reform has been stalled, the markets have been weak, the Schiavo intervention was unpopular—Democrats have been unable to overtake them in public opinion. And they know that Dean, and what he represents, is part of the explanation for their failure to seize their opportunity.

But what can they do about it? Dean is the one who wows the party's liberal base, and does so precisely by unleashing the liberal id. The thoughtful Democrats cannot oust Dean. They are left to complain that the press pays too much attention to his remarks and to insist, hilariously, that he is not a spokesman for the party he heads. (It is a sign of the Democrats' reduced circumstances that they want Nancy Pelosi and Harry Reid to be their public face and, given the alternative, are right to want that.)

Dick Cheney slammed Dean's "over the top" remarks in an interview for Fox News. "I've never been able to understand his appeal. Maybe his mother loved him, but I've never met anybody who does." If so, the vice president needs to get out more. Dean has many passionate admirers—enough of them to dominate one of our two major political parties, if not to carry a national majority. Dean is symptomatic of the Democrats' fundamental problem: They cannot find a way to reconcile or paper over the differences between their party's base and the public at large. That base is likely to turn against politicians who criticize their man. A prediction: Before too long, it will be Dean's Democratic critics who are apologizing and going silent, in the interests of party unity. And that unity will cost the Democrats dearly.

MEDIA WATCH

In from the Garage

WHY is the identity of Deep Throat more than a trivia question, like what happened to Judge Crater, or an item of Seventies nostalgia, like sideburns?

Richard Nixon found himself embroiled in Watergate because he was Richard Nixon. Some presidents (Lincoln, Reagan) seem miraculously to lack the genes for suspicion or rancor; others (Washington, Eisenhower) have them, but keep them rigorously in check. Nixon had real enemies, but he was paranoid about them, and it brought him down.

But there was also a geopolitical context, missing from the Deep Throat hoopla. Nixon and his assistant, Henry Kissinger, were playing a high-risk game of international Twister, simultaneously trying to save South Vietnam, get America out, and cozy up to China and the Soviet Union while playing both off against the other. Success depended on keeping the early moves from allies in Saigon and Taipei, from our own foreign-policy establishment, from political opponents (Nixon had to get reelected), and from the press. After the Pentagon Papers appeared on the front page of the *New York Times*, Nixon

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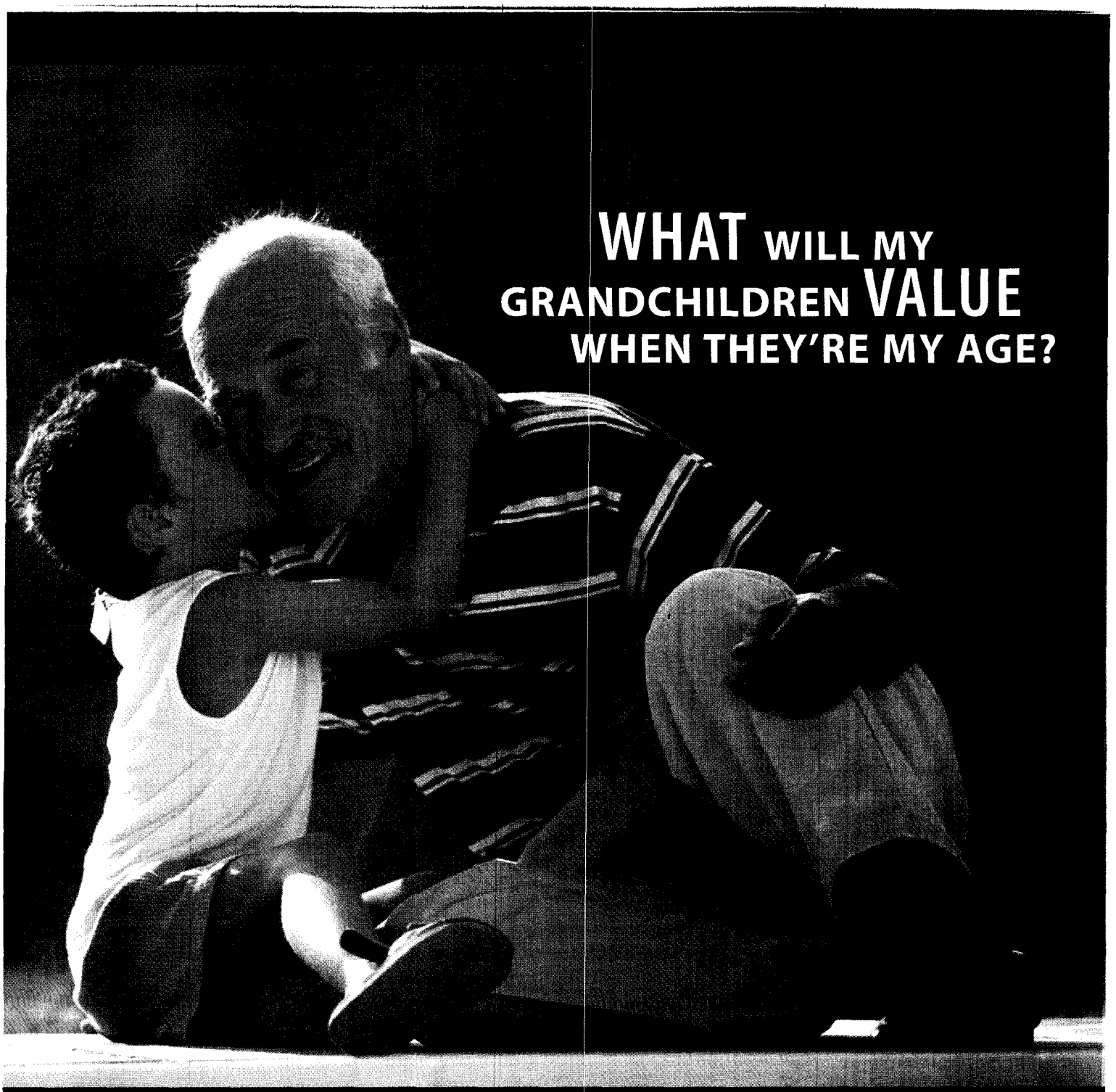

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feared premature exposure. Hence the plumbers, and hence their visit to the Watergate complex.

Nixon's grand strategy was defensive and arcane; it lacked Reagan's confidence—his confidence, one might almost say, in human nature. On the other hand, Reagan did not come into office with 500,000 troops in Vietnam. Nixon tried to play the hand he was dealt; the wonder, perhaps, given the hand and the player, is that he came so close. His fall led to the fall of his strategy, and of Southeast Asia: exodus, killing fields, gray decades of imprisonment. The heroes of the Deep Throat saga should think of that when they cash their royalty checks.

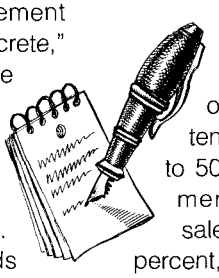
They might also reflect that, while royalty checks will continue to come in (Bob Woodward, in particular, has become a model journo Bigfoot, turning out regular exposés of whatever), their glory days have gone. Watergate was a pinnacle of mainstream-media prestige and power. Ben Bradlee Jr., son of Woodward and Bernstein's boss, recognized this in a piece for the *Boston Globe*: "The unmasking of 'Deep Throat,'" he wrote, "represents a significant, timely victory for the embattled press."

Why embattled? Because of hubris and scandal: Dan Rather, Eason Jordan, Howell Raines, Jayson Blair—the list is long. But the mainstream media are embattled because there are so many other streams available. Since Watergate, radio revived as a medium; new TV networks have emerged; Al Gore invented the Internet. This plethora, much of it animated by conservatives, has not replaced the mainstream media so much as swamped them.

Say goodnight, Deep Throat. You had a long run.

notes & asides

■ Dear Mr. Buckley: After reading Gilbert Quezada's letter to you (N&A, May 9) wherein he discussed the word "encephalophonic," I am somewhat hesitant to call your attention to an incorrect word usage in your On the Right column (same issue), "Can We Stop Illegals?" I refer to the sentence: "The Berliners began with barbed wire, which grew to high cement walls." The proper word is "concrete," not "cement." Cement is a mixture of alumina, silica, lime, and iron oxide, and when mixed with a mineral aggregate (as sand and gravel) and sufficient water creates a mass called concrete. Cement is the "glue" that holds the whole mess together; concrete is the final product.



Cordially,
Jack Bober
San Diego, Calif.

Dear Mr. Bober: Thanks and well put. Which of the two is more bulletproof? Cordially, WFB

■ Dear Mr. Buckley: I am in a state of confusion due to the poor grammar used by our nation's advertising copywriters. An item on sale is breathlessly touted as being "up to 50 percent off, and more." Now I ask you, how can something be *up to* 50 percent off, and *more*, at the same time? In addition, I see countless ads offering "free gifts." I have rarely in my life ever paid for a gift, and if I did so it would cease so be a gift and become a purchase. Are you able to help me with what these advertisers are saying? My head is spinning.

Regards,
Russell R. Boedeker
Portland, Ore.

Dear Mr. Boedeker: Well, I can *try*. Law 1: Merchandising prose is idiomatic and seeks regularly to take advantage of non-mortal parrying by intended victims. So, being "up to 50 percent off, and more," is merchandise malt for: "Our sales bring prices down by 50 percent, and here and there by more than 50 percent." Since the merchandisers were on a roll, they might have gone on to say, "Where the prices are down by *more* than 50 percent, you may think of them as in the order of gifts." Your (our) imagination should be able to handle that, no? Cordially, WFB

■ Dear Mr. Buckley: In a letter in N&A (June 6) appeared this sentence offered as favoring usage of "data" in the singular: "Data is not what they used to be." To be proper, wouldn't this usage demand the pronoun "it" in place of "they"? If not, shouldn't the verb, instead of "is," be "are"? This example was also used with regard to the usage of "media"; however, "datums," "medias," and "mediums" are perfectly acceptable, according to *Merriam-Webster's Collegiate Dictionary*, 11th Edition. There was also a question about the usage of "news," which is described dictionary-wise as "noun, plural but singular in construction." So, "news" is always is-verbed, but never are-verbed (okay, no such word as "verbed"), never mind what Slick Willie says "is" is, or perhaps what "are" are. One may not say, then, "Datums and mediums are combined to make newses," but could perhaps say, "Data/datums and media/medias/mediums are combined to make news."

Warmest regards,
Jim Clark
Lexington, Ky.

Dear Mr. Clark: You have a very high calling. Proposed title for your book: *Clark-Clarity for Verb Quandriers*. That last is a neologism, but you can give me credit. Congratulations, WFB

■ Dear Mr. Buckley: What do you make of this from *The New Yorker* (May 2): "For the people waiting outside it, in a line to view Pope John Paul II's body which stretched for more than three miles, the arms of Bernini's great flanking colonnades were ahead . . ."

Cordially,
Sayre Miller
Clovis, Calif.

Dear Mr. Miller: I take that to be *The New Yorker*'s idea of the post obitum indulgence of the late Holy Father.

Cordially,
—WFB

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Reality or myth?

■ AT WAR ■

Are They In the Army Now?

Cries of shortfall, exhaustion, and overstretch

VICTOR DAVIS HANSON

FIGURES on U.S. military recruitment just released for 2005 show that the Army missed its monthly announced goal, achieving only 75 percent of its anticipated enlistments for this May. The Army National Guard and the Army Reserve also missed their desired monthly targets. Stories in the press followed, claiming that the Pentagon is lowering Army standards to pull in new recruits and address the fallout from the depressing news from Iraq.

Recent dips in Army enlistments also fueled a new conventional wisdom: that the U.S. military is almost dangerously undermanned, exhausted, and overstretched. An unpopular war, domestic opposition, televised casualties, extended service, divorce and social dislocations, an improving economy, and supposed disparity in the sacrifices made by troops of different races and classes have all, it is said, conspired to cut recruitment to the volunteer army and reserves to alarming levels.

In turn, fears of undermanned armed forces have prompted existential questions about who should serve and the nature of U.S. foreign policy. Opponents of the war in Iraq also make the argument—perhaps legitimate in its own right—that our options are limited in dealing with Syria, Iran, and North Korea because we are overextended in Iraq and Afghanistan. Such critics also know that the cover of an exhausted military means they will never be called to spell out their exact position on the future use of force elsewhere.

Behind most critiques, oddly enough, is the promise of the draft. Some critics of the current war profess support for a return to conscription—both to address the purported manpower shortage and to ensure less military action abroad in the future. If a broader cross-section of the population serves in the military, it is argued, won't we all be more careful how it is used? And isn't the present system making inordinate demands on minorities, the poor, and the undereducated?

We might ask how accurate is the current picture of military disarray.

First, the Marines have suffered disproportionate fatalities in the war in Iraq. They are about 30 percent of all combat deaths, yet make up only 11 percent of current American forces. But in May the Marines slightly exceeded their recruitment goal. The Air Force and Navy likewise met 100 percent of their requirements. The Army traditionally has had the hardest time meeting its targets, given the reputation—warranted or not—that the other branches offer more specialized training and skills that will better enhance civilian careers without the same level of risk as ground combat.

Second, the year is only half over. The Army may well rebound and meet its full 2005 quota, as nearly all branches of the active services (the Army and Air National Guard were exceptions) did in 2004. Much depends on whether the economy continues to improve and thus competes for high-school graduates, and whether the Iraqi military can take over its envisioned preponderant military role, keeping the insurgency out of the daily headlines.

Third, on demographic grounds, our current troop mobilizations are hardly a drain on the U.S. population base. In a country of about 300 million residents, we have about 1.4 million troops deployed worldwide. Yet in 1974, during the first full year of the all-volunteer army, the United States deployed 1.9 million soldiers, drawing on a population of more than 210 million. In other words, when the population was just 70 percent of our current size, the armed forces sustained troop levels 1.3 times larger than our present military.

Critics harp on the expenses of the War on Terror and suggest that we are unable to sustain such a drain. Yet in the first full year of the volunteer army, military expenditures accounted for 58 percent of discretionary spending, or about 5.5 percent of the gross domestic product. In 2003, when we invaded Iraq with 200,000 troops and conducted reconstruction efforts in Afghanistan, we allotted only 49 percent of discretionary spending to defense, some 3.7 percent of GDP—itself a moderate rise from 1999–2000, when defense expenditure had descended to the historical low of

ROMAN GENN

Mr. Hanson is a senior fellow at the Hoover Institution and the author of the forthcoming *A War Like No Other: How the Athenians and Spartans Fought the Peloponnesian War* (Random House).

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about 3 percent of GDP. This suggests the armed forces were inadequate to meet the security profile of the United States well before September 11.

If it turns out that we need more troops in the military, based on historical precedents and current resources, we surely have the population and national wealth to field larger forces than we presently deploy, and to pay them more than we do now.

But if critics insist that the 140,000 troops in Iraq are nevertheless too costly for the presently constituted U.S. military, and the current armed forces too costly for the United States, then they should examine very carefully our troop allotments elsewhere. We still have around 110,000 soldiers in various places in Europe, and almost another 80,000 in Japan and South Korea. Even if the argument can be made that the rise of China has replaced the threat of the Soviet Union and mandated that we maintain current troop levels in Japan, still thousands of troops in Europe and South Korea could be cut or deployed closer to the Middle East.

Our current debate is not properly a military one. Rather, the rub is one of perception.

The problem most often raised, however, is not so much the cost or size of our military, but rather the disproportionate sacrifice of the underprivileged. Yet statistics of combat fatalities from Iraq are kept current, and the most recent numbers suggest that the continual cries of unfairness are not substantiated by hard data. Indeed, the claim is eerily similar to the past hysteria that blacks and Latinos died in disproportionate numbers in Southeast Asia, when, in fact, statistics confirmed that they did not.

Data on combat deaths in Iraq as of March 2005 surprised critics of the war. Contrary to the perception that citizen soldiers are bearing an inordinate portion of the overall burden, National Guardsmen constitute about 24 percent of all military personnel but accounted for 16 percent of those lost in Iraq. Some 95 percent of the fatalities had high-school diplomas, though only 85 percent of all Americans have finished high school. Blacks and Latinos made up 10.9 and 11.5 percent of the dead, respectively—about their same percentages in the general population, but in the case of blacks less than the 18.6 percent currently serving in the military. Twenty-nine percent of those who died attended high schools in poverty-stricken areas, versus about a 30 percent poverty rate for all high-school graduates. Seventy percent of those lost were white men, although they currently make up only about a third of the U.S. population.

If our current debate about the military transcends proportionate costs and relative sacrifice, perhaps our unhappiness derives from the terrible loss of 1,700 combat dead in Iraq. Yet this discontent arises not from numbers alone. After all, at catastrophic moments in our history far more were killed either in a single day or in a few weeks than all those we have lost since September 11 in Afghanistan and Iraq.

Between five and six thousand Americans were killed on September 17, 1862, at Antietam. D-Day cost around 3,000 Allied dead, and another 6,000 were wounded. During the Battle of the Bulge, some 19,000 Americans died and another 60,000 were wounded, missing, or captured. In the first few minutes of Pearl Harbor, about 2,400 Americans perished. And so far the 1,700 killed in action in Iraq make up about 60 percent of those lost on the first day of this war in the attacks on the Pentagon and the World Trade Center.

The problem is not just absolute numbers, then, but the growing perception after two years of Iraqi reconstruction that our dead were not lost in a war of national survival, or that such deaths are incompatible with a contemporary society that no longer believes force is desirable or necessary to maintain its security. In that case, the problem is not a military one per se. Going 7,000 miles across the globe, toppling two fascistic governments and establishing democracies in their places, and doing so at a cost (albeit a painful one) of less than 2,000 soldiers, is, by historical standards, an unprecedented military achievement.

Arguments persist over the proper troop levels in Iraq. But given the nature of the insurgency, more conventional troops do not seem to offer solutions, especially when the more critical task is lowering the American profile and working in the shadows to support and train a new Iraqi military. Rather, the controversy is really a political challenge of explaining the nature of the American sacrifice in Iraq, putting it in a historical context, and convincing the American people that such brave soldiers have both made Americans far safer and given the Middle East a future.

A related issue involves the proper role of the American military in an increasingly complex post–Cold War world. There was enormous pressure to use American troops to stop the Balkan holocaust, which nearby Europeans either could not or would not end—despite the absence of Senate approval, U.N. resolutions, and a clear-cut connection to American national security.

Similar cries arise to deploy to Darfur to curtail the slaughter of innocents. All could agree that a U.S. carrier should speed immediately to Indonesia on news of the tsunami disaster. The message of Robert Kaplan's recent *Imperial Grunts* is that there are tens of thousands of American soldiers stationed in unknown places in Africa, Latin America, and Asia engaged in the daily training of forces, civilian development projects, and what we might call old-fashioned foreign aid, all quite distant from any notion of conventional fighting. Such commitments are usually off the radar screen, do not involve many combat losses, and meet the postmodern criteria of nation-building rather than fighting wars. As long as Americans are not dying on television, the American people seem willing to pay for and support such extensive commitments.

Our current debate is not properly a military one, since the American armed forces are performing exceptionally well in Iraq and probably have enough aggregate strength to re-deploy to meet foreseeable crises elsewhere. Given our size, material wealth, and underutilized resources, we could easily expand or contract our military as we see fit. Rather, the rub is one of perception: The real question is whether Americans wish to continue their efforts to establish democratic states to replace deposed Middle East autocracies, and in general whether we wish to use forces abroad at all in wars that may require messy occupations and reconstructions that follow rapid and successful conventional victories. **NR**

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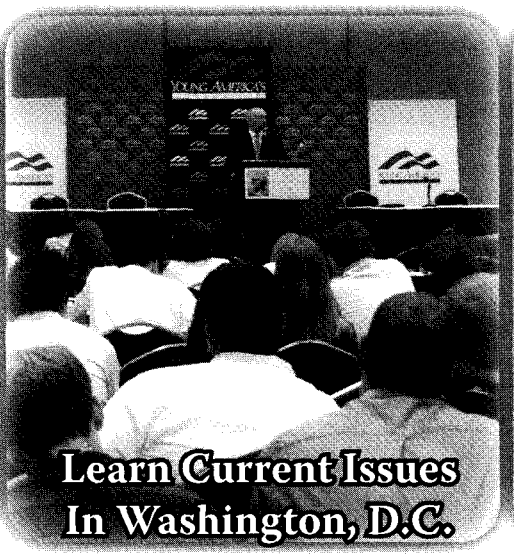

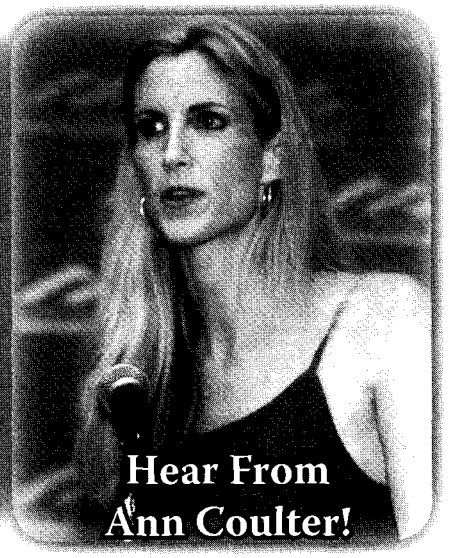

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■ AT WAR II

How to Treat A Captured Terrorist

Getting to the heart of an important question

LEE A. CASEY & DAVID B. RIVKIN, JR.

DEMANDS for closure of the U.S. detention facilities at Guantanamo Bay have been increasing ever since Amnesty International called the camps the "gulag of our times." Most of the critics argue that Guantanamo, which houses hundreds of captured Qaeda and Taliban fighters, is an invaluable propaganda and recruiting tool for America's enemies, and that it has damaged the reputation of the United States as a human-rights champion. Of course, closing the camps would not solve the problem of enemy propaganda and terrorist recruiting; so it is important to focus on an issue more basic than where captured terrorists are held. The bigger question is: How should the U.S. defend itself against the threat posed by jihadist terror? It is within this context that we should discuss the right legal and policy paradigm to govern the detention, interrogation, and ultimate disposition of captured enemy combatants.

There seems little doubt that al-Qaeda has reaped propaganda benefits from allegations of abuse at Guantanamo, especially the false claims that Americans have deliberately desecrated the Koran. However, the assertion that these charges—or the real abuses at Abu Ghraib prison in Iraq—have resulted in more recruits for bin Laden is highly speculative. Sad to say, al-Qaeda had no trouble filling its ranks before the Guantanamo camps were opened, and would still have many supporters if the camps were closed today. America is a target not because it holds prisoners at Guantanamo, but because it represents the modern world of democracy, liberty, and religious pluralism: everything that bin Laden and his supporters most hate and fear. Indeed, foreign jihadists have been drawn to Iraq precisely for this reason; they fear establishment of American-style working democracies anywhere in the Muslim world.

Nor would closing Guantanamo satisfy America's critics—especially those in such advocacy groups as Amnesty International. These opponents are not demanding merely that Guantanamo be closed, and the prisoners transferred to other locations; Amnesty's fundamental objection is that the detainees are "held without charge or trial." Like many among the European elites, Amnesty believes that the threat of transnational terror should be "managed"—as it was in the 1990s—as a law-enforcement matter, and not treated as an armed conflict.

Adopting this policy, and processing the detainees as ordinary criminal defendants, would doubtless gain ground for the U.S. in the propaganda war. At the same time, however, we would start losing the shooting war—as we did in the 1990s, when U.S. targets, at home and abroad, were repeatedly and successfully attacked by al-Qaeda and its allies. Consider that, under the criminal-law model, the U.S. response to 9/11 would have gone, more or less, as follows: The FBI would have initiated an investigation and started to collect evidence. After gathering sufficient material to support indicting one or more individuals—such investigations can take years—federal prosecutors would have gone to a grand jury. Once indictments were secured, international arrest warrants would have been obtained, presumably for bin Laden and his chief lieutenants. Extradition requests may then have been presented to the Taliban—probably over the State Department's strong objections, since the U.S., quite properly, never recognized that group as Afghanistan's legitimate government. In any case, such requests would not have been honored. Bin Laden and his compatriots would have stood trial only if they had been foolish enough to travel to a country willing to surrender them to the U.S. All the while, al-Qaeda would have been entirely free to plan and execute further attacks against Americans.

This, then, is the key problem with using criminal law as the principal weapon against terror: The criminal justice system is fundamentally reactive. It can punish individual perpetrators, but it can prevent future crimes only through deterrence. Deterrence, of course, works well enough on the domestic level, in a society where most individuals are law-abiding to begin with, and others fear the consequences of a criminal conviction. It does not work at all where the bad actors, or at least a substantial number of them, are already willing to die in order to kill.

The only other option offered by Amnesty and its ilk is to treat captured terrorists as prisoners of war under the 1949 Geneva Conventions. Adoption of this policy, however, would effectively eliminate our ability to obtain intelligence information about al-Qaeda's future plans from the detainees. Although POWs can be interrogated under the Geneva Conventions, they cannot be "exposed to any unpleasant or disadvantageous treatment" if they do not talk. A strict interpretation of this provision would eliminate even the offer of rewards for information, since this would have the effect of "disad-

The American gulag?

ROMAN GENN

Messrs. Casey and Rivkin are partners in the Washington, D.C., office of Baker & Hostetler LLP. They served in the Justice Department under Presidents Reagan and George H. W. Bush, and are members of the U.N. Sub-Commission on the Promotion and Protection of Human Rights. The views expressed here are their own.

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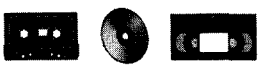

About Your Professor

Professor John McWhorter (Ph.D., Stanford University) is Senior Fellow at the Manhattan Institute. An accomplished scholar, he is also a skilled popularizer, whose book *The Power of Babel* was called "startling, provocative, and remarkably entertaining" by the *San Diego Union-Tribune*. The London *Times* calls him "a born teacher."

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vantaging" anyone who refused to cooperate. This, likely, was the intent; the Geneva Conventions were meant to protect the lawful soldiers of states, who are fully entitled to keep their military secrets. But the treaties were *not* designed to protect irregular or "unlawful" combatants: Guerrillas or terrorists—who do not obey even the most basic laws of war, including requirements to have a regular command structure, wear uniforms, carry weapons openly, and eschew deliberate attacks against the civilian population—are not entitled to a Geneva POW status. Customary international law simply requires that unlawful combatants be treated humanely. They may well ultimately be subject to criminal prosecution (in military courts) for their unlawful belligerency, but they are also enemy combatants who can lawfully be held, without criminal trial, until hostilities are concluded.

The Bush administration's critics reject this interpretation of the law, claiming that the Geneva Conventions permit only two classifications, POW and civilian. In fact, their position requires a blinkered reading of the relevant treaty language, an interpretation that effectively denies the continuing applicability of earlier treaties and customary law that the 1949 Geneva Conventions were emphatically not meant to supplant. Among other things, this view would have the absurd result of imposing a command structure, uniforms, and so forth on "militias," but not on the regular "armed forces" of states (as some have incorrectly characterized the Taliban). If this were the case, all states would be free to organize their armies as banditti, effectively excused from other critical aspects of the laws of war, which are not otherwise stated in the Conventions' text, including the injunction against deliberate targeting of civilians.

Suggestions that the Geneva Conventions actually abolished the category of unlawful combatant are a relatively recent development. In the late 1950s, about ten years after the fact, the International Committee of the Red Cross claimed that the treaties were "comprehensive," providing some Geneva status for everyone. In the 1960s, however, the Red Cross still freely conceded that granting Geneva status to unlawful combatants—in that instance, the U.S. policy decision to treat captured Viet Cong as POWs—went beyond any applicable legal requirement. By the mid-1970s, a concerted effort was launched to amend the Geneva Conventions in order to guarantee POW treatment for unlawful combatants, including guerrilla forces associated with national liberation movements, who would otherwise have been consigned to various colonial or Third World military justice systems. Of course, had the 1949 treaties eliminated the status of unlawful combatant, as is now claimed, no such amendments would have been necessary.

Although many of our European allies approved these amendments, the U.S. did not. It flatly refused to accept a "privileged" status for individuals who did not obey the laws of war, and flatly refused to ratify the Geneva amendments—known as Protocol I Additional. As a result, the U.S. is not bound by any legal norms that would even arguably require it to grant the Guantanamo detainees POW status, or a speedy trial in the civilian courts. It has not violated the law, as Amnesty International so brazenly claims. In fact, much of the outrage, in Europe and elsewhere, over American policy with respect to Guantanamo can be traced to just such unfounded and irresponsible claims.

Rights or wrongs aside, the question remains whether Guantanamo should be closed, and most of its inmates returned to their own countries, for political or diplomatic reasons. Something very like this may happen. "High value" prisoners will likely be tried before U.S. military commissions while the others—the foot soldiers—will be sent back to their own countries. However, if these men are sent home before al-Qaeda's organization is smashed, and its leadership captured or killed, many will simply return to their units, and the costs will be very high. Of the Guantanamo detainees who have already, for political or diplomatic reasons, been released, at least ten went back to the fight in Afghanistan. Perhaps this should not have been surprising, given that recidivism rates in the civilian justice system—where individuals are not generally motivated by religious or ideological fervor—can be over 50 percent. Nevertheless, every time a Qaeda fighter returns, the war is prolonged, and American lives are endangered or lost. The facilities at Guantanamo may well be "trouble," but they are surely not more trouble than they are worth. **NR**

■ **POLITICS**

Save Thune!

The White House might be a little more sympathetic to the junior senator from South Dakota

R. ANDREW NEWMAN

As a game of political chicken shapes up between freshman U.S. senator John Thune and the White House, the biggest casualty could be President Bush's agenda.

With strong backing from the national GOP and the president, Thune defeated Tom Daschle, the Democrats' number-one man in the Senate, in a race that saw South Dakota become one of the nation's most contentious political battlegrounds. Thune and his supporters were able to out Daschle as the liberal obstructionist he really was—as opposed to the moderate he played on the county-fair circuit. Daschle's charade didn't always work, but he could at least trumpet his seniority and position as minority leader to voters concerned about preserving Ellsworth Air Force Base in Rapid City. Thune countered that a GOP senator with friendly ties to President Bush would be in a better position to keep the base—South Dakota's second-largest employer—from closing its gates permanently.

Not one year from the election, Thune finds himself in the worst position he could imagine. Those friendly ties didn't stay the Pentagon's hand, and Ellsworth has been marked for closure. Democrats are saying that Thune couldn't deliver the goods when it mattered. Daschle himself chimed in with an I-told-you-so, and took credit for saving the base ten years ago: "It was clearly my relationship with President Clinton," he told a Sioux Falls television station. "I had to go to him directly and ask him to take it off the list, and fortunately, because I was the Democratic leader, he was kind

Mr. Newman is a freelance writer in Nebraska.

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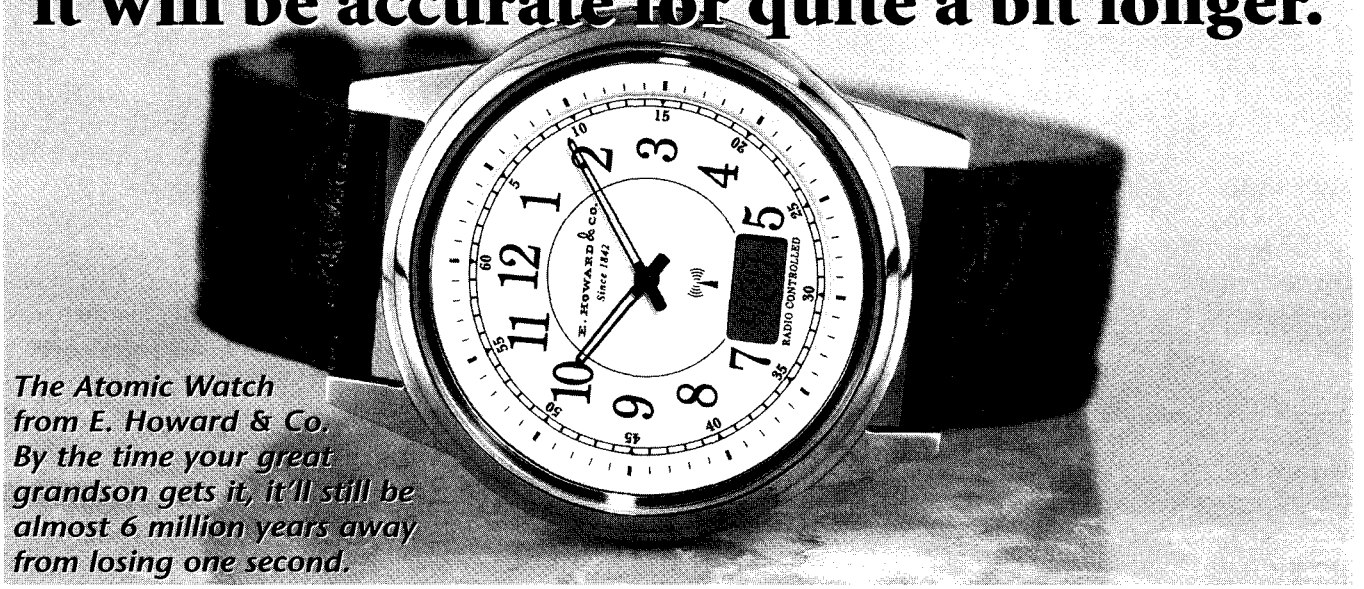

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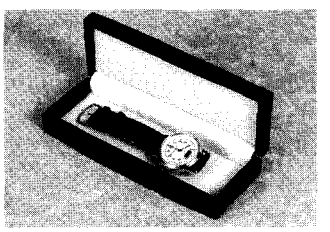

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enough to do that. It's a little harder this time."

Ellsworth has an estimated economic impact of $278 million and an annual payroll of $161 million. "Some folks wonder why I'm so worked up," Thune says. "They say, 'Thune, it's only an airbase.' Everyone familiar with western South Dakota knows full well that the economy of the area and Ellsworth are nearly one and the same." The state's congressional delegation, regardless of party affiliation, understands the base's importance, and Gov. Mike Rounds has added two positions to his staff: One will coordinate efforts to save Ellsworth and the 6,700 jobs that will be lost if it closes; the other will see what can be done with the base in the event it is shuttered.

Although it is natural for a state, especially a sparsely populated rural state, to want to hang on to such an economic engine, local politics cannot stand in the way if national security dictates that the base must close. But in this case, the Base Realignment and Closure Commission has some legitimate reasons to consider a reprieve for Ellsworth.

The Department of Defense scored bases on a set of criteria that included current and future mission capabilities, cost of operation, environmental impact, and economic impact on surrounding communities. According to the Pentagon report, Dyess Air Force Base in Texas nudged out Ellsworth in the scoring, 56.7 to 50.8. Ellsworth ranked higher in such areas as hangars and runways, which isn't surprising given that the Department

Sen. John Thune

of Defense has pumped $140 million into the base's infrastructure in the past ten years. Ellsworth is also less expensive to operate. Dyess, however, earned better marks for current and future mission capabilities (based on such things as geography, weather, and access to training grounds), a criterion that was weighted more heavily than the others.

Are the "operational efficiencies" that would follow from closing Ellsworth really enough to justify moving its 29 B-1B bombers south? The Pentagon estimates that closing the base would save $1.8 billion over 20 years. Cost should be an issue, but not to the detriment of national security. Although the B-1B fleet used to fly from five bases, today it's split between the South Dakota and Texas sites. "Moving our bombers from two bases to one would put us in an incredibly vulnerable position," says Thune, who has introduced legislation to slow the base-closing process. "We don't want to put all our eggs in one basket. What if there's a tornado or, heaven forbid, an attack?"

The B-52 fleet hasn't been similarly consolidated; and while the B-2 stealth bombers are stationed at one U.S. base, there are only 21 of them. "We have 60 combat-ready B-1Bs—easily enough to constitute two squadrons in two bases," Thune says. The Pentagon has argued that, since the Soviet threat has passed, there's no longer a pressing need to have bomber bases scattered throughout the country. Jack Spencer of the Heritage Foundation agrees, saying, "The Cold War is over, and I don't feel we need to worry about al-Qaeda nuking our one and only B-1B base. The B-1B now only has a conventional role, and even if we were in a Cold War scenario . . . a conventional long-range-strike bomber facility would be on our adversary's list of things to get, but I don't think it would be on their primary-target list."

Thune wonders, however, whether the Defense Department is focusing too much on the current terrorist threat and not enough on what the nation might face in even five or ten years. The senator has also questioned why the domestic list of base closures was made before the Quadrennial Defense Review and the restructuring of overseas bases were completed.

Politics is about more than helping friends, but without friends, battles are harder to win and principles are harder to defend. An angry Thune has reversed course and said he'll vote against John Bolton's nomination as United Nations ambassador. The vote on Bolton was already going to be close, and it's one the White House can't afford to lose, given that, for better or worse, it has now been styled a referendum on the president's foreign policy.

"People can ascribe to this what they will, but, as I've said, I take seriously our nation's diplomatic posture and I take our nation's defense posture seriously," Thune says. "For the next five months anything I do will come back to getting the best results for the base." While the new U.N. ambassador needs to be reform-minded, Thune says, "lots of people could fill that role. John Bolton isn't the best person for the job." Thune has also refrained from showing his hand on another major component of Bush's second-term agenda, the Central American Free Trade Agreement.

At least publicly, Thune's defection from the pro-Bolton ranks isn't causing much alarm at the White House. "The

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fact of the matter is that the president and those who have worked with John Bolton think he's the right man for the job," says White House spokesman Ken Lisaius. "The president is asking that the Senate move forward quickly. We believe he has majority support and he needs a vote."

Lisaius said the president is committed to the base-closure process's going forward. Speaking before this year's graduating midshipmen at the Naval Academy, Bush said, "The military services have each done a review of their requirements, and they have concluded that we have more bases than we need. Supporting these facilities wastes billions of taxpayer dollars, money that can be better spent on giving you the tools to fight terrorists and confront 21st-century threats." Bush, who was governor of Texas when three military installations were closed in his state, took the opportunity to say he understood how hard closing a base can be on a community. He called the base-closing process "impartial and fair," and stressed that closings and realignments would save $48 billion over the next 20 years.

For Thune, there may be no good solution. If he helps scuttle Bolton, he may earn the White House's hostility and lose whatever support he might otherwise have gotten for saving Ellsworth. If he stays a loyal trooper, there's a risk that the administration won't take his concerns seriously, the base will close anyway, and he'll be politically weakened at home.

But Thune need only look one state south to see Chuck Hagel, proof that a Republican senator can buck party and president, face no consequences, and earn the accolades of the national press corps. The maverick club isn't so exclusive that it wouldn't make room for another member, especially a bright newcomer fresh from a public falling-out with the president. Such a turn of events would be a defeat for Republicans around the country, as well as for those in South Dakota who unseated Tom Daschle and helped the party and the president secure a legislative majority. The White House and the GOP leadership in Congress had best figure out a way to help their friend from South Dakota. **NR**

■ **THE ECONOMY**

Birkenstocks And Stocks

'Like everything else, investing is now politicized'

JOHN J. MILLER

Most second-graders spent the last school year struggling with multiplication tables and spelling tests. One special group from Connecticut, however, apparently conducted an analysis of corporate lending practices in developing countries. For on December 16, 2004, they took a field trip to Manhattan, where they picketed the offices of J. P. Morgan Chase & Co. for loan policies that supposedly contribute to rainforest destruction and global warming. The sponsor of their expedition, the Rainforest Action Network, was no doubt happy to see these young minds engaged in so much hands-on learning.

This effort to enlist little kids as shock troops in the anti-globalization movement appears to have paid a handsome dividend. Instead of creating an alternative lesson plan on how the availability of capital increases economic prosperity in poor countries, J. P. Morgan adopted a new ten-page environmental policy that will have borrowers reporting carbon-dioxide emissions, ensuring that their wood products don't come from endangered forests, and promising not to hurt "indigenous peoples."

J. P. Morgan is by no means the first company to succumb to pressure from left-wing interest groups. Nor is it the first financial-services company to do so—both Bank of America and Citigroup have implemented similar plans. Yet its capitulation is the most far-reaching, because J. P. Morgan not only decided to alter its lending practices, it also promised to create and lead a coalition of banks that will lobby the federal government for a national policy on global warming, including limits on greenhouse-gas

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emissions. This group certainly will have its work cut out for it. In 1997, the Senate rejected the Kyoto treaty by a vote of 95 to zip, and prospects for passage have not brightened during the Bush years.

It is this failure to advance an agenda in Washington that has compelled environmental groups to bombard individual companies with everything from seven-year-old protesters to resolutions at corporate conferences. They're pushing an agenda in some of the unlikeliest places imaginable, but they've enjoyed a surprising measure of success. A few years ago, anti-globalization activists were scruffy street hooligans who gathered at World Trade Organization confabs. Today, they're increasingly at home in boardrooms and at shareholder meetings.

Their efforts generally fall under a broad rubric known as "Corporate Social Responsibility"—and please make sure to use those capital letters. Years ago, Milton Friedman famously commented that "the social responsibility of business is to increase its profits." Companies that flourish, after all, boost the wealth of their shareholders, create jobs and opportunities, and provide goods and services that customers want. Those are indeed some pretty big obligations. But activists tend to take the benefits that come from them for granted. When they speak of CSR, they mean something else entirely—the notion that businesses must be Good Citizens who don't do Bad Things, such as make cigarettes, distill alcohol, or spew anything from smokestacks.

Encouraging companies to behave in "socially responsible" ways is one of the investment world's hottest trends. In 2003, assets worth more than $2.2 trillion—or about 11 percent of all those managed by professionals—were tied up in accounts that contained criteria separate from the standard categories of risk and return, according to the Social Investment Forum, a clearinghouse for CSR information. Between 1995 and 2003, overall investments into CSR funds outpaced investment into conventional funds by 40 percent. "The variety, depth, and diversity of things people object to is incredible," says one former state-pension fund manager. For example, the Pax World Funds, founded in 1971 and generally considered the first CSR mutual fund, refuses to invest in defense contractors on the grounds that defense contractors inflict the scourge of war upon humanity.

To the extent that this merely reflects the preferences of individual investors, there's really no problem: Some people don't want to have their money tied up in building missile systems. That's their choice. Yet this type of nitpicking can lead to some odd arrangements. Christian Brothers Investment Services, for example, says it will sink its cash only into enterprises that are consistent with "our collective understanding of what social justice requires." That means no money for companies that make handguns, landmines, or contribute to "the spread of offensive global militarism." The standards for smut are looser: It refuses to invest in "companies deriving at least 50 percent of their revenues" from pornography and strip clubs, according to a statement recently on the group's website. Businesses that earn only 49 percent of their revenues from the skin trade are evidently acceptable.

Environmental groups are pushing an agenda in some of the unlikeliest places imaginable, but they've enjoyed a surprising measure of success.

But Christian Brothers does more than simply boycott selected companies—it also specifically targets certain ones, such as J. P. Morgan, which it views as vulnerable to shareholder pressure. After Christian Brothers introduced a global-warming resolution at a J. P. Morgan shareholders meeting last year, the company agreed to examine the issue. Combined with the Rainforest Action Network's protest, that decision ultimately led to the bank's adopting its new loan policy in April. The dilemma for J. P. Morgan wasn't that shareholders were on the verge of a grassroots revolt against the board: These resolutions tend to attract scant support. Businesses still feel a strong urge to make embarrassing resolutions disappear, as if they were junk lawsuits more cheaply settled out of court than through litigation. So they wind up negotiating with the likes of Christian Brothers and its ilk. The Rainforest Action Network is now polling its supporters about which bank it should target next: Credit Suisse First Boston, Goldman Sachs, Merrill Lynch, Morgan Stanley, Wachovia, or Wells Fargo. Look for Christian Brothers to take a keen interest in the winner. (Or would that be the loser?)

Sometimes the nexus between investors and activists can be, well, a bit shy of socially responsible. In December, Zac Goldsmith and Max Keiser, seasoned left-wing financial experts, announced that they were creating a hedge fund that would profit from declines in Coca-Cola's stock price. Betting against a company is of course nothing new: Investors often short-sell stocks when they think they're overvalued and a correction is coming. Goldsmith and Keiser, however, are actively trying to sabotage Coca-Cola. (Goldsmith, the son of the late British corporate raider James Goldsmith, is worth hundreds of millions of dollars; Keiser is a long-time stockbroker.)

By various means, they're promoting the activities of one Amit Srivastava, an anti-globalization activist who is causing so many headaches for Coke's expansion plans in India that he warranted a front-page news article in the *Wall Street Journal* on June 7. Writing in the March issue of *The Ecologist*, a magazine underwritten by Goldsmith's fortune, Keiser described his plan to encourage a worldwide boycott of Coke, watch its stock price drop, make money through the hedge fund, and then use the proceeds to compensate "the victims of the company's greed." The "victims" who will receive this money, he writes, are actually left-wing groups agitating for their own political and social causes.

"Like everything else, investing is now politicized," says Steven Milloy of the Free Enterprise Action Fund, a mutual fund that he and his colleague Tom Borelli launched in March. They plan to become activist shareholders who will protest global-warming resolutions and anything else that undermines corporate profitability. At J. P. Morgan's

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annual meeting on May 25, Borelli personally challenged CEO William B. Harrison over the company's new environmental policy. "Perhaps litigation reform would be a nice area for your lobbyists to be focused on," he said, since frivolous lawsuits cost the company hundreds of millions of dollars. His statement didn't accomplish anything substantive, but it did make a point—and the Free Enterprise Action Fund promises to be back. "Over time, we're going to provide not just a financial return, but an ideological one as well," says Milloy.

The advocates of Corporate Social Responsibility lately have taken to arguing that their policies are good for the bottom line—that green is green, so to speak. "They don't just serve social interests, but also corporate interests," says Tim Smith, chairman of the Social Investment Forum. "Companies see green policies as part of their long-term business strategies."

Maybe so. But that doesn't make them smart policies. As supply-side guru Arthur Laffer reported in a recent study co-authored by Andrew Coors and Wayne Winegarden, there's precious little evidence that CSR is a gainful business model. "In terms of compound annual net income growth, net profit margin, and stock price appreciation, only a minority of the CSR companies outperformed their competitors in each category," they wrote.

Investors, in fact, might be wise to channel their own money away from CSR endeavors. Check out the Vice Fund, a mutual fund that, according to its prospectus, "deliberately intends to invest in products often considered socially 'irresponsible,'" such as alcohol, tobacco, gambling, and national defense. For the twelve-month period ending May 31, the Vice Fund returned nearly 22 percent to investors, compared to a little more than 8 percent for the Standard & Poor 500 Index. Lipper Analytic Services recently rated it in the top 1 percent among mutual funds in its class.

With results like that, the "vice" of putting your money behind Altria and Anheuser-Busch—the fund's top two holdings—can begin to look like a virtue. **NR**

■ **ESSAY**

Tiny Island, Tiny Dictator

Elba has something to teach us about tyrants and how they finish

DAVID PRYCE-JONES

ELBA is a pinprick of an island off the coast of Tuscany, and very beautiful it is. The journey by ferry from Piombino on the mainland to the island's little capital of Portoferraio takes an hour. In the season, huge numbers of tourists, including bus travelers, backpackers, campers, and bicyclists, flood over the beaches or clog the roads and trails twisting up to picturesque villages in the hills, where the yellow gorse spreads far and wide.

And yet today's escapist retreat was once an epicenter for the high politics of continental Europe. Between May 1814 and March 1815, Napoleon Bonaparte was in exile here. The first dictator of the modern age, he had shattered the settled order of nations and was responsible for death on a scale not previously experienced in Europe (at least by hand of man). An Allied coalition of the British, the Russians, the Austrians, and the Prussians contained him in a policy that the British prime minister of the day, Lord Liverpool, described as "hitting one's enemy as hard as one can, and in the most vulnerable place." Cornered at last in his Fontainebleau palace, Napoleon tried to commit suicide by swallowing a mixture of opium, belladonna, and hellebore, but the poison only made him retch. Col. Sir Neil Campbell, the Allied commissioner detailed to arrest Napoleon, found "a short active-looking man . . . pacing the length of his apartment like some wild animal in his cell . . . unshaven, uncombed." Calls for him to be shot out of hand were rejected as illegal and uncivilized.

Campbell escorted Napoleon through France down to Marseilles, where they

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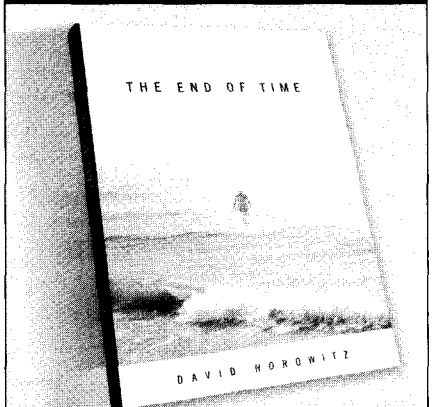

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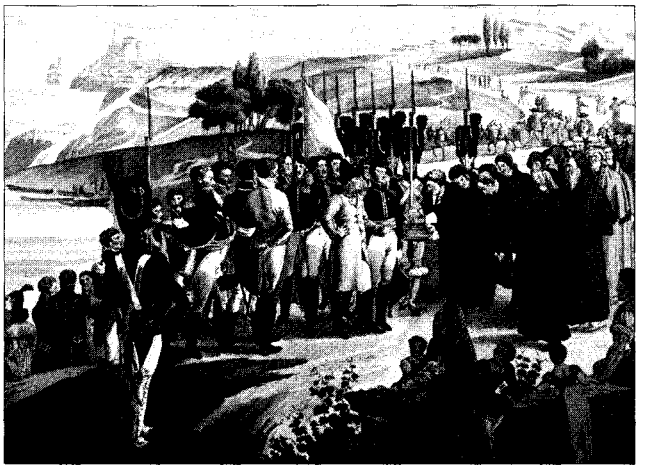
boarded a British warship, the *Undaunted*. Contrary winds slowed the voyage. Local officials and a huge and enthusiastic crowd greeted Napoleon at the Portoferraio harbor. The Allies had granted him the title of Emperor of Elba, which was to be a sovereign state under his jurisdiction. Accompanying him were his loyal generals Bertrand and Drouot, a few displaced aristocrats, and the Italian accountant who audited the subsidies that the Allies generously paid in gold coins. For the sake of security, he was also allowed a regiment of Chasseurs, or light horsemen, and very unruly and drunken they proved too.

Bonaparte set about tidying up Elba with the formidable energy and single-mindedness of purpose previously directed at reorganizing the whole of Europe. There were to be roads, courts of law, a theater. In the old citadel of Portoferraio he transformed a building into the Palazzina dei Mulini, a miniature palace in the Empire style he had popularized, complete with a salon whose frescoes reminded him happily of the 1798 campaign in Egypt, when he had first erupted into the world. A few miles away in the countryside, at San Martino, he purchased a farmhouse, and remodeled it into what today would be called a *bijou*, or jewel, residence.

That August, Letizia, his forbidding mother, always known as Madame Mère, moved in with him. He implored his wife, Marie Louise—daughter of the Habsburg emperor—to arrive with their small son, but in fact he never saw them again. Frustrated in his ambitions, cramped, he began to brood and to plot. Visiting British radicals, including Lord John Russell, a future prime minister, flattered his ego. Nothing prevented him from outwitting the Allied coalition. "Fulfill your destiny," Madame Mère told him, "you were not made to die on this island." Duly escaping to France for a period that entered history as the Hundred Days, Napoleon mobilized for the Battle of Waterloo, the final great test of strength, and he very nearly won it. The victorious Allies then exiled him once again, this time to Saint Helena in the South Atlantic, where he was to die.

How and when to end their career is the occupational hazard of dictators. All must live in continual fear of enemies, real or supposed. Lenin, Stalin, Tito, Mao, Nasser, Arafat, were all brutal and cunning enough to stay in power till the day of their death. Some dictators have been forcibly overthrown, but exile is now a less likely option for them, given the fear that they will follow Napoleon's example and bid for power once more. Hitler committed suicide, Mussolini was lynched, Ceausescu faced a questionable trial and then the firing squad.



Napoleon arrives on Elba

GIANNI DAGLI ORTI (1815)/CORBIS

If Saddam Hussein has any sense of history, he will be pondering all these precedents. When he had the chance, he failed to take his own life. Captured, he too seemed like some wild animal in his cell, as unshaven and uncombed as Napoleon in similar circumstances. The current insurgency in Iraq is his equivalent of Waterloo, a last desperate gamble on a military test of strength. Otherwise a tribunal and the dispensation of justice loom imminently over him.

In the current perspective, Saddam can hardly expect to have some sort of assured Napoleonic place in history as a glorious conqueror. Napoleon's tomb in the Invalides at Paris is a monument that strives to embody some fantasy of French glory. After almost two centuries now, the crimes and chaos of his rule have been irradiated into sentimental hero-worship. Elba contributes to the legend. The month of May, otherwise the Maggio Napoleonico, is given up to celebratory concerts and lectures and exhibitions. High in the forest above the village of Marciana is the Sanctuary of the Madonna, a monastery where he liked to stay, and in his honor they are playing music of his period in the church there. Water is bottled from a spring called Fonte di Napoleone, and the shops are selling Sospiri di Napoleone, a candy. On display at the Palazzina dei Mulini is one of the *bicornes* or cocked hats that were so integral a part of his invincible image. Out at San Martino, visitors spill from their buses and cars, pose for snapshots in front of gates with his heraldic eagles or against a façade embossed with many a capital N. And there on stalls are rows and rows of small busts and effigies of him in characteristic poses.

Dictator kitsch looks like a way to soften ugly reality. Stalin was born at Gori, a rather desolate town not far from Tbilisi, the capital of Georgia. The modest family house has been preserved, and more than that, enclosed within a kind of mausoleum with a dome and a portico of marble pillars. Statues of Stalin may have been taken down elsewhere, but not here. Berchtesgaden was Hitler's Eagle's Nest, and a luxury hotel has just opened on the site of what was once his garden. "Have a holiday like Hitler," in the words of an article recommending the hotel. One of Hitler's felt hats, his walking stick, or maybe a collection of the drawings he commissioned from Albert Speer would pull the crowds in, just as Elba's palazzinas do. All it takes now is a little leisure and money to visit Auschwitz and Dachau and Vorkuta and the camps of the Arctic Circle.

Similarly, busloads of people are likely one day to be lumbering into Baghdad to gawp at some museum of Baathist relics, displaying designs of Saddam's palaces and specimens of the millions of ochre-colored bricks with his name stamped on them that have spoiled archeological sites like Nineveh and Ur. There may be plastic models for sale of the statue American soldiers helped to pull down, or mass-produced little versions of the monumental bronze casts of Saddam's arms wielding a scimitar. Let's hope so—it's really rather a subtle popular revenge to treat former dictators as objects of tourism and cheap commerce. **NR**

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■ COVER STORY

Time for the Sun to Rise

How a newly confident and engaged Japan would help the United States, and the world

RICHARD LOWRY

PACIFISM has never been so silly. In an East Asia featuring both one of the world's most irrational states and a rising dictatorial power bent on changing the region's strategic balance, it is a crucial ally of the United States that labors under a constitution that could have been written by Quakers. Of course, it was an American team put together by Douglas MacArthur after World War II that wrote the Japanese constitution imposing pacifism as state policy. That was understandable 50 years ago. Now, the constraints of the Japanese constitution—and the Japanese attitudes that preserved them all these years—are senseless anachronisms.

Japan has slowly been emerging from its shell over the last decade, and it is one of the diplomatic triumphs of the Bush administration that it has helped accelerate this process, strengthening the U.S.-Japanese bond and enhancing its usefulness. The Japanese will proceed at their own pace, but our response to every step they take toward becoming a more "normal" country should be nothing but encouragement: "More, please." The goal, although it will never be fully achievable given historic, cultural, and other differences, should be to make Japan as reliable a partner of the U.S. in Asia as Britain is in Europe.

"There is no fear of Japan. The old cork-in-the-bottle theory is dead," says an administration official, referring to the former fear in the U.S. government that any Japanese step toward rearmament would mean an inevitable slide toward aggressive militarism. "The old saw is that Japan is just an aircraft carrier, a jumping-off point for American forces. Well, we want to make it a jumping-off point for both U.S. and Japanese forces."

The alliance is a natural. Japan broadly shares our values. The U.S. is the world's number-one economy and Japan is number two, a powerful combination. We want to check China, and Japan feels threatened by China. Japan provides the basing the U.S. needs at a time when we have lost our bases in the Philippines and our relationship with South Korea looks shaky. We want to stay in East Asia, and the Japanese want to keep us there, in a dangerous neighborhood. Japan is surrounded by three nuclear countries that would make anyone nervous: North Korea, China, and Russia.

After the Cold War, the alliance seemed headed for a breakdown. Japan provided only financial support for the first Gulf War and refused to give the U.S. intelligence and logistical aid during the 1993–1994 showdown with North Korea. The Clintonites, meanwhile, were obsessed with banging on the Japanese on trade issues, to the exclusion of national-security considerations. They talked up a "strategic partnership" with China.

But nothing concentrates the mind like a few missile launches. In 1996, China tested ballistic missiles off Taiwan, with a few landing near Japanese shipping lanes. This led to a joint U.S.-Japanese statement pledging Japanese logistical support to the U.S. during "regional contingencies" and stipulating that the U.S.-Japanese alliance includes "situations in the areas surrounding Japan." The Chinese screamed—accurately—that "situations" was meant to cover a potential conflict over Taiwan. Two years later, the North Koreans launched a missile over northern Japan, spurring Japanese interest in cooperation with the United States on a missile-defense system.

Politically, Japan has become more conservative. Its Left has effectively collapsed. The Socialist party was never serious about governing, but existed as an obstructionist force in parliament (sound familiar?). After electoral reform in the early 1990s, it all but evaporated. Japanese politics has become more populist, and Japanese society more open and less risk-averse. A new generation of politicians both in the ruling Liberal Democratic party and in the opposition Democratic party is not so wedded to the old pieties. "Japan is tired of constantly apologizing, and it wants a place in the sun more than in a pure economic sense," says former State Department official Jim Kelly.

North Korea is enough to shake anyone's pacifism. Besides its nuclear adventurism, it abducted Japanese citizens in the 1970s and 1980s, outraging ordinary Japanese. The Japanese realize that the North Koreans just might be telling the truth when they say they would never attack other Koreans; similar assurances are never made about Japan. Meanwhile, the Chinese have stupidly provoked Japan at every turn. China scholar Arthur Waldron calls Beijing's alienation of Japan one of its great post-war blunders. "Japan was a pacifist country, with a sentimental view of China," says Waldron. "It was ideal for the Chinese."

Prime Minister Junichiro Koizumi took office in April 2001 determined to strengthen the U.S. alliance. The Bush administration shared the same goal, acting on an influential October 2000 National Defense University report—led by soon-to-be deputy secretary of state Richard Armitage—calling for an alliance modeled on our relationship with the British. Bush and Koizumi—a maverick reformer attracted to the American model of political leadership—have a warm relationship. "When Koizumi looks Bush in the eye and says he's going to find a way to do something, he always has," Kelly says.

And it's not just Koizumi. Japan's leadership has reached a kind

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of consensus that it should begin to shake off its more restrictive post-war constraints. The last few defense ministers have said things that would have gotten their post-war predecessors fired, including opining that Japan can preempt a North Korean attack. U.S officials think Japan's foreign ministry features the country's best team on national security ever.

A STUMBLING BLOCK OF A CONSTITUTION

Article 9 of the Japanese constitution is the main obstacle to a fuller U.S.-Japanese alliance. The constitution—and the interpretations and policies arising from it—bans a standing army, collective self-defense, and arms exports. Japan has a military, but it's called a Self-Defense Force, and it's supposed to be limited to territorial defense. Japan has one of the largest military budgets in the world, but much of the budget goes to personnel costs. It was long the contention of the Socialist party that the SDF was unconstitutional root and branch. Japan constantly has talmudic debates about what defense capabilities are permitted. For a long time, it denied itself refueling capacity for its F-4 fighters, since that was considered too "offensive" in nature. The prohibition on collective self-defense means that Japan cannot come to the aid of an ally—i.e., the United States—when attacked. The interpretation of this prohibition over the years has been a stumbling block to even routine U.S.-Japanese cooperation.

But the restrictions have been loosening. Japan has sent the SDF to participate in peacekeeping missions in places like Cambodia and East Timor. Koizumi in particular has helped make the constitution very much what Justice Stephen Breyer calls "a living document." He has gone through extraordinary contortions to make activities that once would have been thought forbidden pass constitutional muster. Now, the long, difficult process of officially changing the constitution is underway.

Koizumi has scored several key victories in the wake of 9/11. Legislation was passed allowing the prime minister to act in the event of a crisis without approval from the legislature and authorizing the Self-Defense Force to stray beyond East Asia. Koizumi sent ships to the Indian Ocean and Arabian Sea, where the Japanese supported the coalition efforts in Afghanistan and Iraq. "They were really battle groups," an administration official says of the Japanese forces, although, of course, they weren't used for that purpose. The Japanese patrolled, refueled coalition ships, and provided intelligence, since AEGIS destroyers—the Japanese have four of them—sop up a lot of information. "Their navy is superb," says the administration official.

Then Koizumi sent 600 ground troops to relatively peaceful southern Iraq to help with the post-invasion rebuilding. Those troops are not allowed to protect themselves. They're behind security cordons, with almost no chance of being fired on. At first, the troops' security was being provided by the Dutch. (One wonders: Who was protecting the Dutch?) Now it is provided by the Australians.

As Dan Blumenthal of the American Enterprise Institute points out, these actions had a twofold purpose. In Afghanistan, Japan showed it was ready to be a key international player and, eventually, a member of the U.N. Security Council. In Iraq, it showed it was willing to stand with the U.S. even when much of the rest of the world balked. A Japanese nationalist wrote in 1989 a popular book called *The Japan That Can Say No*. Koizumi has been forging a Japan that can say yes—yes to international responsibilities and yes to the United States.

The geopolitical math is simple. Since we have a rough congruence of interests, whenever Japan steps up, we have to do a little less, whether in the Indian Ocean or Iraq. The trajectory seems clear. A few years from now, Japan's constitution will likely be amended and its ability to contribute to the alliance and its own defense boosted further. "Soon they will be deploying to places like Afghanistan," says an administration official. "I don't think that's far down the road." And one day the Japanese will allow themselves the possibility of, say, dropping precision bombs on North Korean targets. "The ability to drop some bombs is very useful," the official says. "And it sends a signal to the Chinese."

THE RED DRAGON

China's ambitions are what make a more rational, up-to-date Japanese defense posture so imperative. China is pursuing what it calls "comprehensive national power"—economic growth, military power, and diplomatic influence. China's true national interest would be in not pointlessly antagonizing Japan. But the current nature of the Chinese political system means it can do no other. The Chinese government is dependent on nationalism to give it legitimacy, so must beat up on the Japanese, who are wildly unpopular given their past atrocities. Like other dictatorships, Beijing needs to point to an external threat to justify its repression.

"I think a lot of the buildup is against Japan. They aren't going to attack Japan, but they are big on intimidation," says the administration official. A few weeks ago, a mob was throwing rocks at the Japanese embassy in Beijing. "I don't know if you've ever been in the diplomatic district," says the official, "but there's not a lot of rubble lying around." Chinese destroyers and nuclear subs are a threat to Japanese sea lanes. China has been drilling for oil near Japan's so-called exclusive economic zone, and making incursions into Japanese waters. "Japan hasn't had to deal with something like this since the Soviets," the official says. Notably, Chinese intermediate-range missiles have a range that means they would overshoot Taiwan. Whom could they be intended for?

So, Japan is a convert on missile defense. "The Japanese are doing more than anyone else, arguably even more than the Israelis," says an industry insider. "Their senior guys say privately they are worried principally about China." The Japanese are pouring $1 billion a year into it, nine times what they spent from 1999 to 2003. They are buying American hardware, the PAC-3 (a defense against short-range missiles) and the SM-3 (a sea-based interceptor against longer-range missiles). Jointly with the U.S., they are developing an upgrade of the SM-3 to make it more capable, paying for half of the development costs.

Technically, Japanese policy is not to knock down a missile headed anywhere besides Japan, and they've had arguments about whether intercepting a missile before its target is known would violate the prohibition against collective self-defense. But such mincing distinctions will tend to break down as the logic of the missile-defense project prompts more technological, operational, and intelligence cooperation between Japan and the U.S. Already Koizumi has loosened the prohibition on arms exports to ease missile-defense research and development work with the U.S.

Importantly, the system will likely provide coverage to Taiwan, thus tending to draw Japan into that island's defense. As Dan

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Blumenthal points out, this represents unfortunate blowback for China from its missile buildup. It had hoped to intimidate Taiwan, but also to make Japan doubt the wisdom of having U.S. bases on its territory that China could strike. But now Japan is developing a capability that not only protects itself but undermines the effectiveness of China's missile buildup aimed at Taiwan.

Japan enraged the Chinese earlier this year when it joined the U.S. in issuing a statement that included in a list of "common strategic objectives" the goal of a "peaceful resolution of issues concerning the Taiwan strait." "The Japanese were determined to have it," Jim Kelly says of the statement. Indeed, the initial Japanese draft was tougher than what was eventually made public. Japan has historic ties to Taiwan, which it occupied for 50 years beginning in 1895. Taiwan is perhaps the only place in Asia that has relatively fond memories of Imperial Japanese occupation. Japan also has an obvious interest in not having a war over Taiwan break out on its doorstep.

To the extent that China has to worry about, not just a U.S. defense, but a Japanese defense of Taiwan, it complicates China's planning and makes a military move marginally less likely. This is the purpose of a strong Japan more broadly. It creates a balance of power in East Asia—of the sort that once existed in Europe—that makes any Chinese hegemonic ambitions more difficult to achieve. The Japanese are, if nothing else, providing a useful lesson in how to resist Chinese bullying, whether over missile defense or Taiwan.

THE FUTURE

It's too early to say that there is a cold war on in Asia. China is Japan's largest trading partner, so there should be a mutual interest in a stable environment for economic growth. But only firmness on the part of the U.S., and its allies, will work to restrain China's worst instincts.

Of course, any more assertive Japanese moves will revive the bogeyman of Japanese militarism. Other Asian countries have nightmarish memories of the Japanese military. Koizumi's annual visits to the Yasukuni Shrine, which memorializes Japan's war dead, including war criminals, outrage people in the region. But China's loud complaints about the visits are rich, considering that—its current repression aside—it maintains a public shrine to Mao, one of history's champion mass-murderers.

As long as the United States is the senior partner in the alliance, it should reassure the region about Japan's intentions. It also will make unnecessary Japan's acquisition of more genuinely offensive weapons—strategic bombers, ballistic missiles, etc.—and a nuclear capability. Should it come to that—if the North Korean crisis worsens, say—it would hardly be disastrous. Starting from scratch, no one would say Pakistan or North Korea—or China or Russia, for that matter—should have nukes and Japan not.

But that's a debate for another day. Now, Japan should be increasing its security role in the region, unashamedly. It is a new government, with new norms, in a new time. The traditional restraints on it only serve to hobble what should be one the world's key players on the side of decency and civilization. The old rallying cry of American conservatives was—referring to Chinese nationalist leader Chiang Kai-shek, who never gave up the dream of reconquering the mainland—"Unleash Chiang." Given the state of play, they now should be saying, "Unleash Japan," to be the kind of ally we need in Asia. **NR**

■ **THE ECONOMY II**

Still Movin' On Up

The death of income mobility has been greatly exaggerated

DONALD LUSKIN

STARTING on May 13, the *Wall Street Journal* ran a series of four front-page stories—totaling almost 10,000 words—about what it manifestly considered a major threat to the Republic. Two days later, the *New York Times* launched a series of a dozen stories about the same threat, most of the articles splashed on page one, above the fold: a total of nearly 50,000 words. *BusinessWeek*, the *Christian Science Monitor*, and the *Los Angeles Times* have taken up the story, too; Michael Kinsley, writing in the *L.A. Times*, even suggested that the *Washington Post* get into the act.

Was the furor about al-Qaeda? Iran? North Korean nukes? Nope. The sword of Damocles hanging over our national future—and discovered, coincidentally, by *all* of these mainstream liberal media outlets at once—is . . . income inequality. But a concerned citizen who wades through these tens of thousands of words, and pores over the studies they solemnly cite as authoritative, will find a simple, but highly reassuring, truth: *There's no story here.*

The *Journal* and the *Times* are exercised by reports that, over the last three decades, a new class of what the *Times* calls the "hyper-rich" has arisen in the United States, resulting in a disparity in incomes between rich and poor not seen since the 1920s: the most severe income inequality in the developed world today. How did this happen? As the *Times* explains it, "The hyper-rich have emerged . . . as the biggest winners in a remarkable transformation of the American economy characterized by, among other things, the creation of a more global marketplace, new technology and investment spurred partly by tax cuts."

Fair enough. We have indeed seen a transformative era of economic growth. That era has indeed produced a whole new class of extremely wealthy individuals—or, more accurately, a whole new class of individuals became extremely wealthy as their reward for taking the risks that made that growth happen. And indeed tax cuts were at the root of it—supply-side tax cuts that increased the incentives for risk-taking in the first place.

But none of this is exactly man-bites-dog material. What the *Times* reports as news is a pattern that should be familiar to economic historians: Times of great prosperity have been associated with greater income inequality (for example, the 1920s), and conversely times of economic decline have been associated with greater equality (the 1930s). The lines of causality here are complex, and no doubt run in both directions: Prosperity is both the cause and the effect of inequality, and decline is both the cause and

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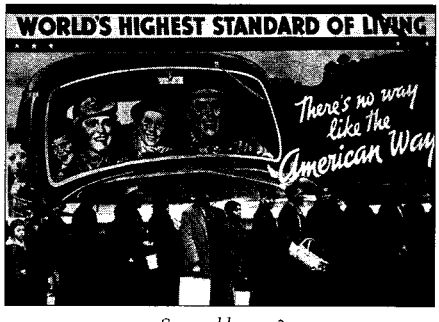
the effect of equality. So ideological advocates of income equality for its own sake ought to be careful what they wish for.

The great prosperity of the last three decades has been dominated by American technological and commercial prowess. So no one should be surprised that the emergence of the new hyper-rich has been preeminently an American phenomenon. Today 341 of the world's 691 billionaires—including five of the top ten—are Americans. These aren't old-money names, either. You have to get all the way down to number 243 before you find a Rockefeller. At the top of the chart are Gates, Buffett, Ellison, Allen, Walton—precisely the people whose innovations and risk-taking made our current prosperity possible. Much of the rise in American income inequality could probably be erased in one fell swoop just by getting these 341 people to move to another country.

We need to focus, then, on the question: What *harm* has it done to have this new class of the hyper-rich on the American scene? The *Times* and the *Journal* both go on at length about how Americans who used to consider themselves very rich—one thinks inevitably of the Sulzbergers of the *Times*, and the Bancrofts of Dow Jones—are rather annoyed to have to compete socially with the new hyper-rich; old money has never liked new money. But in truth, the incomes of the hyper-rich have not come at the expense of anyone else. The poverty rate, for example, hasn't risen over the last 30 years; it has actually fallen slightly. Average after-tax, inflation-adjusted income has risen for every income quintile in the population. Yes, it has risen the most for the highest quintile, and risen the least for the lowest—but this can be explained to some extent by the great wave of immigration over the same period. The fact remains that income has risen for all: The rising tide has lifted all boats.



Same old story?

THREE CHEERS FOR DIVERSITY

Before the present era of transformative growth and its concomitant income inequality, many economists had expected the mid-20th-century trend toward greater equality to persist forever. According to the influential hypothesis of Simon Kuznets, nearly a half-century of steadily rising equality of income following the technology revolution that peaked in the 1920s was explained by the fact that more and more workers were joining the high-productivity sectors of the economy. Now it appears that what Kuznets described may be, in fact, a cyclical phenomenon that restarted at some point about 25 years ago. Economists Emmanuel Saez and Thomas Piketty have written that "a new industrial revolution has taken place, thereby leading to increasing inequality, and inequality will decline again at some point, as more and more workers benefit from the innovations."

In other words, at the beginning of each cycle a small band of risk-takers get extremely wealthy in the vanguard of economic transformation, but that's only a one-time effect. For years afterward, everyone else in the economy adapts to the new, higher productivity potential that the new rich have made possible, and incomes gradually gravitate toward greater equality. Happily, then, those who hope for greater income equality need not wish for slower growth, or for the mass deportation of our billionaires. All that is required is patience—and hard work.

But income inequality will never go away entirely—and it's not at all clear that we should want it to. Even if a socialist-minded fairy godmother were to wave her magic wand and set all incomes to perfect equality, in a free economy they would immediately drift toward inequality owing entirely to voluntary choices made by each individual. Each of us would choose freely whether to work hard or take it easy; to marry a working spouse or a stay-at-home; to educate ourselves for a better job, or settle for less; to invest in income-producing securities or just spend our money. All these things would determine our unequal incomes, just as they do today. To be sure, in the real world we don't make those choices from an initial position of equality. Some of us are born rich, others poor, most in between. Nevertheless it's choices like these that determine whether we will rise or fall within the class in which we are born, or move upward or downward to another class. So we shouldn't fear income inequality: We should celebrate it as "income diversity."

Changing our incomes by making choices different from those of our parents is called "income mobility." Both the *Wall Street Journal* and the *New York Times* correctly acknowledge this practice as fundamental to American life (and both happen to discuss Benjamin Franklin as its exemplar). Yet the papers argue that income mobility is on the decline just as income inequality is on the rise. You'd think that the emergence of a whole new class of the hyper-rich would prove that income mobility is alive and well (they had to come from somewhere, after all). But no.

The *Times* and the *Journal* cite many authoritative-sounding studies on declining income mobility. But to get an accurate picture, you'd have to track hundreds of millions of individuals through time, monitoring changes across generations in such factors as income, tax rates, wealth, lifestyle, and education. Looking back further than a couple of decades, robust statistics are hard to find in standard databases; you can't ask all the individuals concerned, because many of them are deceased. So researchers end up relying on surveys of small samples of people, containing what they can recollect about their parents' and grandparents' economic circumstances. As a result, hard facts about economic mobility are elusive, and studies about it are approximate and subjective at best.

Yet for all that, the *Times* and *Journal* stories are peppered with definitive-sounding statements, like this one from the *Times*: "One study, by the Federal Reserve Bank of Boston, found that fewer families moved from one quintile, or fifth, of the income ladder to another during the 1980s than during the 1970s and that still fewer moved in the 90s than in the 80s." If you follow the *Times*'s link to this study, it turns out actually to be about women in the workforce and what happens to families when a spouse dies; the more general findings cited by the *Times* are buried in an appendix. Yes, that appendix shows that about 4 percent more households stayed in their income quintile during the 1990s than in the 1970s. But it also shows—though the *Times* doesn't mention this—that in the 1990s more households than ever jumped from the poorest quin-

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tile to the richest. But none of this is reliable anyway: A footnote reveals that the statistics are derived from the Panel Study of Income Dynamics database, an ongoing survey that tracks only 8,000 families out of a U.S. population of 295 million individuals.

The other studies cited are based on evidence equally unreliable, and come to conclusions even less interesting. At most, these surveys suggest that—maybe—income mobility has stopped improving over the last 30 years.

Perhaps the best research method for getting our arms around the slippery topic of income mobility is simply to take a poll, and ask people how they feel about it. The *New York Times* itself took such a poll, and its optimistic results are strikingly at odds with the paper's gloomy conclusions. Eighty percent of respondents said "it's still possible to start out poor in this country, work hard, and become rich"—up from 57 percent in 1983. Twenty-five percent said they believed their children's standard of living would be "much better" than their own—up from 18 percent in 1994. Forty-six percent said hard work is "essential" for getting ahead in life—up from 36 percent in 1987.

RESENTING PROSPERITY

So where's the beef? Everyone's gotten richer—and a few have gotten hyper-rich. And there's no real reason to think that income mobility isn't alive and well. So why this full-court press by the liberal mainstream media to create the impression that America is becoming a feudal society? Maybe it's a media thing; there's no other industry more obsessed with pigeonholing people by class. Here, for example, is how the *New York Times* sees its readers: They're "nearly three times as likely as the average U.S. adult to have a college or post-graduate degree, more than twice as likely to be a professional/managerial and more than twice as likely to have a household income exceeding $100,000."

Or maybe it's a liberal thing. You're more likely to vote Democratic if you're convinced that "the rich" are keeping you from getting your fair share—you know, "Two Americas" and all that. And you're more likely to support liberal initiatives like affirmative action if you think that the American dream based on income mobility is falling apart. So liberal media outlets such as the *Times* go through periodic frenzies about income inequality, regardless of who's in the White House. (Two typical *Times* headlines, from 1998: "In Booming Economy, Poor Still Struggle to Pay the Rent" and "Benefits Dwindle for the Unskilled Along with Wages.")

And, of course, the putative problem of income inequality is yet another opportunity for the liberal media to excoriate the Bush tax cuts. Whatever the problem—Social Security solvency, economic growth, outsourcing to China, budget deficits—repealing those tax cuts is always the liberal answer. In this case, the *Times* claims they "stand to widen the gap between the hyper-rich and the rest of America." This year Congress will vote on the extension of President Bush's tax cuts on income from dividends and capital gains, and on making permanent the repeal of the estate tax. For the liberal media, demonizing the rich is a powerful way to fight against those conservative initiatives. There's good reason, though, to think it won't work. That *Times* poll that showed how much faith Americans have in their income mobility also produced a striking result about taxes on "the rich": Seventy-six percent of respondents said they opposed the estate tax. **NR**

■ **THE LAW**

The End of the Federalism Revolution . . .

. . . if such a revolution had ever occurred

RAMESH PONNURU

THE Supreme Court's decision in the medical-marijuana case is being taken as the end of the "federalism revolution" that began under Chief Justice Rehnquist. The Court held that the feds could outlaw the medicinal use of marijuana, whatever California's government (and voters) preferred. Six justices of the Court ruled that the feds could prohibit medical marijuana because the Constitution gave Congress the power to regulate interstate commerce. Justice Clarence Thomas, one of the three dissenters, said that if Congress could use the Commerce Clause to regulate sick people's personal use of marijuana, "then it can regulate virtually anything—and the Federal Government is no longer one of limited and enumerated powers."

This case does not, however, represent the first rumor of the federal revolution's death. Two years ago, the Court ruled—again with the support of six justices—that Congress could subject state governments to lawsuits under the Family and Medical Leave Act. Many legal commentators thought that this decision, like the medical-marijuana decision, was hard to square with the Court's

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previous pro-federalism decisions. Justice Ruth Bader Ginsburg, who had dissented from those pro-federalism decisions, crowed, "Federalism this term was the dog that did not bark."

So is the federalism revolution over? No: For the revolution to be over it would have had to begin. The truth is that there never was a federalism revolution.

The most striking thing about the Court's "revolutionary" decisions—which inspired some reporters and commentators to talk as though the Articles of Confederation were making a comeback—is how very limited they were. The "landmark" cases of the revolution struck down the Gun-Free Schools Act and provisions of the Violence Against Women Act on grounds that Congress was acting beyond its Commerce Clause authority. But there were many ways for Congress to get around those decisions. Indeed, Congress enacted a modified Gun-Free Schools Act and the courts left it alone. Justice Stephen Breyer's dissent in the Violence Against Women Act even outlined a variety of ways the Congress could circumvent the Court's ruling.

The Gun-Free Schools Act case provided two other pieces of evidence that the Court's federalism was unserious. The first was that two of the five justices in the majority—Sandra Day O'Connor and Anthony Kennedy—included, among the reasons to strike down the act, that most states had already banned guns in the school. The country was agreed as to ends, and disagreed only as to means. The implication here is that a federal law might have been justifiable if the states were split evenly on the issue. It was, in other words, a vote for federalism because national uniformity already existed.

"interests," and "dignity" of state governments. That isn't the only possible conception of federalism. Michael Greve, who runs the Federalism Project at the American Enterprise Institute, argues that many provisions of the Constitution are better understood as limiting the state governments by promoting competition among them. The Rehnquist Court has not shown much interest in reviving these features of the Constitution's federalist architecture.

The medical-marijuana case demonstrated some of the conceptual problems created by a view of federalism that centers on state governments. Either the Commerce Clause authorizes the federal government to prohibit the medicinal use of marijuana, or it does not. But nothing should turn on what the government of California wants. If the federal government has the power to prohibit medical marijuana, then it can do so over the state's objections. If it does not have that power, it does not have that power anywhere. It does not have it in states that agree with it any more than in states that object.

There is a final, and too often neglected, limit on the Court's federalism. The Court has been willing to impose extremely modest restraints on Congress. It has not been willing to impose restraints on itself—and it is, after all, an important part of the federal government. The landmark cases of the Warren and Burger Courts discovered, or, as critics had it, invented, new individual rights, and correspondingly limited state autonomy. The Rehnquist Court has reversed none of those landmark decisions. It has merely slowed down the pace of rights creation. In recent years, it has announced that states may no longer execute murderers who were minors at the time of their crimes, prohibit sodomy, or punish partial-birth abortion.

The Court insists on federalism when doing so would not make much practical difference.

The second piece of evidence came in the form of judicial silences. Neither the federalist justices nor the centralizing justices have been willing to admit that modern government has strayed far away from the Founders' federalism. Justice Thomas's opinion in the case argued that the Constitution, as originally understood, strictly limits congressional power. But he was unwilling to take the obvious next step with this argument, and declare that much of modern government is unconstitutional. Indeed, he denied any need for a "wholesale abandonment" of the Court's post-New Deal jurisprudence in these matters.

SYMBOLIC FEDERALISM

Many times over the last 15 years it has been said that the Rehnquist Court was getting ready to attack the "core" of the modern regulatory state. Yet the Supreme Court was never likely to pose any threat to the New Deal or to civil-rights statutes. It may very well have been wise for the justices not to have threatened too much of modern government, for it is hard to see how a judicial campaign to undo the New Deal could have been sustained politically. What that has left us with, as Orin Kerr, a law professor at George Washington University, has written, is a "symbolic federalism." The Court insists on federalism when doing so would not make much practical difference.

The Court's federalism is limited in another way. The justices have tended to think about federalism in terms of the "status,"

It has also displayed a marked intolerance for disagreement, as Robert Nagel powerfully demonstrated in *The Implosion of American Federalism* by analyzing the Court's decisions on abortion, gay rights, and term limits. When the Court reaffirmed *Roe* v. *Wade* in 1992, for example, it began its opinion by noting the scandal of disagreement. "Liberty finds no refuge in a jurisprudence of doubt. Yet, 19 years after our holding that the Constitution protects a woman's right to terminate her pregnancy in its early stages, . . . that definition of liberty is still questioned." The Court argued that *Roe*'s supporters had faced "criticism," "ostracism," and even "violence." It "call[ed] the contending sides of a national controversy to end their national division by accepting" the Court's decisions on abortion. In other words, it invited *Roe*'s opponents to dissolve their movement.

Nagel makes the simple point that fear of national division and conflict is not a promising mindset for the agents of a federalist revolution to have. Nor is an overwrought sense of the fragility of the national union. Yet in 1995—the same year the Gun-Free Schools Act went down—the Court treated the prospect of state-imposed term limits on congressmen as an assault on the idea of America as a nation. The Court frequently finds state laws to lack a "legitimate" purpose or to be "irrational." How much power is a Court that holds such views likely to cede to state legislatures and state electorates? A case can be made that the Court's federalism, viewed in a

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broader light, has been about aggrandizing itself as the arbiter of national policy as much as it has been about empowering the states to set their own policies.

When the country enjoys a consensus on an issue, such as guns in school or violence against women, the Court may indulge in federalist gestures. When the country is emotionally divided on an issue—as on abortion, gay rights, or, to a lesser extent, medical marijuana—it will impose a national policy to end the possibility of conflict. (Or try to: Sometimes it brings those conflicts into being, and then cites the result to justify more intervention. That's the "implosive cycle" to which Nagel's title refers.)

MORAL FEDERALISM

Supporters of the Court's federalist turn have tended to be relatively uninterested in, or even supportive of, the Court's social-issues decisions. (Libertarians have been especially likely to hold these attitudes.) But this is a big mistake. For much of American history we had a federal government that was much more limited than the current one. The principal reason for the older limits was not that we had a federal judiciary that insisted on imposing them. It is that we had a broader political culture that insisted on those limits.

For a lot of reasons—the decline in the cost of transportation and communication not least among them—federalism has lost a lot of its sentimental basis and therefore its political power over the years. When political and legal debate turns to federalism these days, the discussion concerns matters that are of interest chiefly to lawyers. We talk about statutory preemption (when federal laws should be read to override state laws) or sovereign immunity (under what circumstances and in what venues state governments can be sued).

People do care, however, about social issues. People have been known to move from community to community in part because they prefer to live in places whose inhabitants share their values. This migration has helped to produce the division between "red" and "blue" states, in which political and cultural divisions literally map each other. Moral federalism—letting states go their own way on contested social issues—could renew the political basis of federalism. But it is the very robustness of moral federalism, its capacity to generate strong emotions, that leads the Supreme Court to suppress it.

Two decades ago, the dominant assumption among constitutional lawyers was that the courts did not need to protect federalism, since the political process would take care of it. Conservatives mounted a powerful challenge to this idea: There was no reason to expect the political process to get federalism right. By now it should be obvious that there is no reason to expect the courts to get it right, either. One has to ask, at this point, what conservatives have gained by attempting to get the courts to impose limits on congressional authority. While there may be places the Supreme Court could make a salutary difference, it will not, cannot, and probably should not substantially reduce the scope of congressional power. By refusing to face this truth, conservatives have muddied what could otherwise have been a clean fight between judicial activism and restraint.

The Court cannot impose federalism over the objections of the other branches of the government. That project was never likely to succeed and is now over. What the Court can and should do is to stop eroding federalism itself. **NR**

■ **THE WORLD**

Being Sharansky

On Russia, Israel, 'Reaganite readings' . . .

JAY NORDLINGER

THE other day, someone asked me how old Sharansky was, and I said, "Oh, about 55." (In fact, Sharansky is 57, born in January 1948, a few months before the modern Israel.) My friend was surprised that Sharansky was so young. The ex-Soviet dissident, now a key Israeli, has been famous and important for a long time. He was only 25 when he applied for his exit visa, and not long after that he became the face of the "refuseniks."

In his astoundingly great memoir, *Fear No Evil*—published in 1988—he recounts the day of his release, when he was delivered into the hands of the American ambassador to West Germany, Richard Burt.

> All I remember from my talk with the ambassador is how astonished I was that he was only thirty-nine. "You made your career so quickly," I said.
>
> "Well," he replied, "you're also very young and made a career quickly."
>
> "Yes, but in my case the KGB helped. I trust that your achievement had nothing to do with them."

Sharansky spent nine years in the Gulag, a harrowing time in which he demonstrated what resistance is. More than 400 of those days were spent in punishment cells; more than 200 were spent on hunger strikes. His refusal to concede anything to the Soviet state was almost superhuman. This was true to the very last. When they relinquished him to the East Germans, they told him to walk straight to a waiting car—"Don't make any turns." Sharansky zig-zagged his way to that car.

Once in Israel, he might have sat back to be the hero, but the swim of events would not allow him to do so, and he entered politics. At the beginning of May, he resigned from the cabinet of Prime Minister Ariel Sharon, in protest of the prime minister's "disengagement" plan—Sharansky considers it reckless. He is now associated with Jerusalem's Shalem Center. Last fall, Sharansky came out with his second book, *The Case for Democracy: The Power of Freedom to Overcome Tyranny and Terror*. It applies lessons gleaned from the Cold War to the current conflict—it is very, very hard on advocates of "stability." President Bush read the book while it was still in galleys. He then met with Sharansky in the Oval Office. Later, the president told the *Washington Times*, "If you want a glimpse of how I think about foreign policy, read Natan Sharansky's book."

I spoke with the author recently, while he was visiting New

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York. We spent about half our time on the Soviet Union—and Russia—and half on Israel. First, the Soviet Union: Did he ever think it would collapse?

"I was absolutely sure it would collapse. All of us dissidents were sure it would fall apart, because we saw how weak it was from the inside." In 1969, a friend of his, Andrei Amalrik, wrote a book called *Will the Soviet Union Survive Until 1984?* (Nineteen eighty-four was the big Orwell year, of course.) Amalrik died "in some very strange car accident," says Sharansky—this was in France, in 1980. Amalrik was therefore deprived of the chance to see how it would all turn out. In any event, when Sharansky was in prison and 1984 came around, "The KGB guys were telling me, 'It's 1984, and your friend is not here, but the Soviet Union is: It will exist forever.'" Not quite. Sharansky retains from Amalrik a compelling image: A totalitarian society is like a soldier who must point his gun at a prisoner 24 hours a day, every day. Eventually, his muscles will tire, the gun will start to sag, and the prisoner will escape.

In Sharansky's view, the three most important people in defeating the Soviet Union were Andrei Sakharov, Scoop Jackson, and Ronald Reagan. Each man shook the regime, in ways both diverse and related. What about Gorbachev?

"Of course it was good that he came to power," says Sharansky. But people inflate his role, as the former general secretary himself does. "He wanted to save the Communist system, and he gave a little bit of freedom to Soviet citizens. But he was a true Communist, and the Communists never understood that there is no such thing as a little bit of freedom: Give people a little, they will take everything." In the West, Gorbachev is seen "as this great, historic figure, who started a process of transformation"; in the Soviet Union, "we knew him to be the one trying to stop it."

Natan Sharansky

DARREN GYGI

And what about Solzhenitsyn? According to Sharansky, his contribution was twofold. First, "he severely undermined the regime, by exposing the truth about it to all the world." After *The Gulag Archipelago*, it was harder for the West to apologize for the Soviet Union. And in the empire itself, "he increased the number of doublethinkers." Doublethinkers? Ah, yes. Sharansky sees totalitarian societies—"fear societies," he also calls them—as containing three groups of people: the "true believers," who are committed to the regime; the dissidents, who are in open opposition; and the "doublethinkers," who may talk and act one way, but think another—they have their doubts. This third group is large and vital.

I wonder whether Sharansky ever thinks about Russia—keeps abreast of its problems, worries about its fate. He answers, "First of all, Russia is a very important part of my own history, and the history of many Jews. Second, it's a country where many Jews still live. And third, it's a country that plays a very important role in the world"—and in the current debate over democracy. There is a fourth point, too: "Some of the people who were the biggest influences on me were Russians, starting with my teacher, Sakharov." (*The Case for Democracy* is dedicated to his memory.) And who could do without the literature of Russia, especially that of the 19th century? But Israel and the Middle East present enough problems.

A CRUCIAL DEBATE

In recent months, Sharansky has squared off with a giant of Israeli history and politics, Ariel Sharon. Interestingly, Sharansky—born Anatoly Sharansky, you remember, and now Natan Sharansky—once called himself Natan Sharon. This was with his fellow Jewish activists in the Soviet Union. A generation before him, an uncle emigrated to Palestine, taking the name of Sharon.

I inquire whether Sharansky sees the prime minister as a tragic figure. "There is, in fact, something tragic about Ariel Sharon," he responds. Of course, Sharon's overall record cannot be gainsaid: He was pivotal in the Yom Kippur War, and "of the prime ministers I have worked with, he is by far the most knowledgeable, about everything connected to Israel." Moreover, "he has great respect for my past, and an interest in it, and he gave me full support in my role of coordinating the struggle against anti-Semitism. He is one of the few who think all the time about world Jewry, anti-Semitism, Jewish education—these things are important to him." But he has always been skeptical that "the other side" can liberalize and democratize, at least in time to do Israel any good.

Like others, Sharansky casts the disengagement as "an act of desperation"—even many of its supporters describe it as such. In Sharansky's telling, Sharon very much wanted to complete the peace process, but was stymied by the Palestinian leadership. So he decided to disengage, to draw a kind of line, on his own, or on Israel's own: a line that would be firm. "He sat us down and said, 'I want to stop this vicious cycle. This will do it. It will be very painful, but then Palestinian problems will be Palestinian problems. If they have unemployed, if they don't have a normal life—then it's their problem. The world will not pressure us. We'll have ten years, five years, without the pressure of the world, during which time we will strengthen our position, and hope for stability.'"

And how did Sharansky respond? "I said, 'You don't have ten years, you don't have ten days. To the contrary, the world will continue its pressure, and increase it: because you made it legitimate to dismantle settlements in exchange for nothing. They'll say that, if you gave up 20, you can give up 100. And if the Palestinians continue to fight, it's only because you didn't dismantle enough.'" Sharansky believes that "we have paid a big price, as a result of terror. We defeated them militarily, and now we're making a big concession. This is not a process—it's completely one-sided. And it has caused a terrible rift in Israeli society." Consider this, too: Hamas has already used the disengagement in its propaganda, citing it as proof positive that terrorism works.

And yes, George W. Bush is behind the plan. "You can't expect the president of the United States to be more Zionist than Ariel Sharon." But Bush shares with Sharansky the view that no real peace is possible while conditions of tyranny exist.

Sharansky met with Reagan quite a bit—some of his stories about the late president are priceless—and he has a grasp on President Bush. "Reagan called a spade a spade, and his policy was based on instinct, not on some grand strategy. But his instincts

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were absolutely right, and that's why he made history. He's the one who put Communism into the grave." Then this outlook—the linking of human freedom and security—"was fully abandoned by the West, including by America during President Bush's father and certainly during President Clinton." Bush 43, however, is in the Reagan mold.

"I talked to Dick Cheney, back in January 2001, before the swearing-in. I had known him when he was in Congress. I talked to him about bringing back the linkage between security and democracy, and about the mistakes of Oslo. Cheney didn't say a lot, but he was listening." I point out, "Cheney is known as a good listener." Sharansky: "Yes, but Clinton's a great listener, too—he is so understanding. But then he does nothing." Sharansky holds that Bush's call for a democratic leadership among the Palestinians is historic, hugely consequential, and overlooked. "This is a return to the ideas that Reagan was expressing: 'Our security depends on their freedom.'" This remains, however, a minority view in the world.

HIGHEST THINGS

Some people regard Sharansky as a providential figure, spared death in the Gulag to perform his work now. What does he think? "I long ago stopped asking myself whether God gives us a mission or we give ourselves a mission, in an effort to be worthy of God." He recalls the prayer that he invented for himself in prison, and mutters a little of it: "Grant me the strength, the power, the intelligence . . . and the patience to leave this jail and reach the Land of Israel in an honest and worthy way."

At the close of our conversation, I ask him about his Psalm book. Does he still have it? A pocket book of Psalms was given to him by his wife, Avital, a few days before he was arrested. He went through hell to hang on to this book. The authorities often deprived him of it. Once, he went on a "work strike," entailing several months of the punishment cell—until he got that book back. In another period, "I took my Psalm book and for days on end . . . recited all one hundred and fifty of King David's psalms, syllable by syllable." (I quote from *Fear No Evil*.) For a while, he was able to study the Bible, Old Testament and New, with a fellow prisoner, a Christian named Volodya.

> 'I long ago stopped asking myself whether God gives us a mission or we give ourselves a mission, in an effort to be worthy of God.'

Speaking of the world: How does Sharansky feel when it calls his state an oppressor, and when it calls him an apologist for this oppression—a hypocrite who suffered persecution himself but now metes it out to others? Sharansky gives a quick shake of disgust, then cites an early Zionist, Ahad Ha'am, who argued that the blood libel actually worked to the advantage of the Jews. Worked to their advantage? How is that possible, given the violence and mayhem that this libel caused? "Because a Jew can know that the whole world can believe something that is nevertheless an absolute lie. I still know Russians who believe [the blood libel]! The world may say we're a Nazi-type state, that we're a big human-rights violator, that we committed atrocities at Jenin—and it's all false."

Sharansky continues, "When I moved from the Soviet Union to a free society, it reminded me—and it still reminds me—how great a democracy is, and that it has a unique record in war. I propose to friends in Europe and America that they compare the records of their own countries as democracies in war to Israel's record." Sharansky fears no such comparison.

I ask the annoying question of whether Israel will make it. "Yes, of course. I'm an optimistic person. In the Soviet Union, the KGB guys often told me, 'You will not make it out alive.' And I sometimes had doubt that I personally would survive. But I never had any doubt that our struggle would succeed." Sharansky is similarly optimistic about the survival of Israel: but it would be nice if Israelis did not have to "fight time after time for the right to have their own state. I remind you of what I said in my resignation letter: Not only are we making a tragic mistake [in the disengagement], we are also missing an opportunity of historic proportions," given the liberalizing winds now whistling through the world. Sharansky does not believe in safety absent freedom.

> We called our sessions Reaganite readings, first, because President Reagan had declared either this year or the preceding one (it wasn't exactly clear from the Soviet press) the Year of the Bible, and second, because we realized that even the slightest improvement in our situation could be related only to a firm position on human rights by the West, especially by America, and we mentally urged Reagan to demonstrate such resolve.

One other thing about the Psalm book: It "was the only material evidence [through the nine years] of my mystical tie with Avital."

Toward the very end of his ordeal, at the airport in Moscow—Sharansky had no idea what was happening to him—he refused to board the plane before they gave him back his Psalm book. In front of photographers, he dropped to the snow, yelling for it. They gave it back to him. Once aboard—when they told him he was being released—he recited the Psalm he had always designated for his liberation day, Psalm 30: "I will extol thee, O Lord; for thou hast lifted me up, and hast not made my foes to rejoice over me."

Anyway, back in New York, sitting in a hotel dining room—I ask whether he still has the book. He grins a little, reaches inside his jacket, and produces it. There it is, this tiny book, big as life. Apparently, he has it on him always, the way one carries wallet and keys. Has he ever been in danger of losing it (I mean, lately)? "Sometimes I forget where I've put it, and it becomes more of a problem with age."

What Sharansky will not lose is his sense of purpose and right; it causes him to zig-zag through life along a very straight path. **NR**

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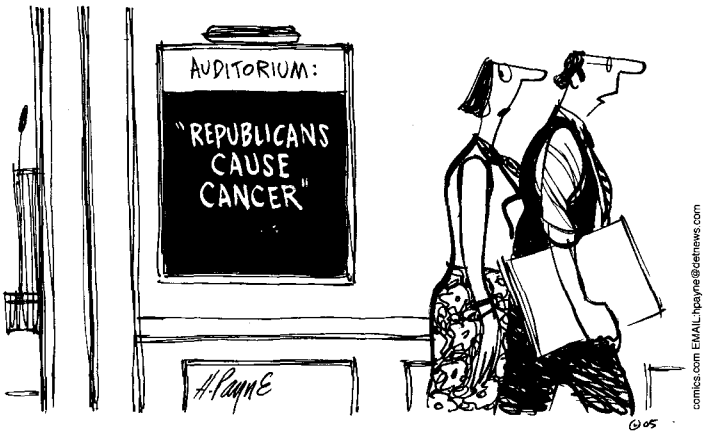
HELP!!!!

Bush's Judges

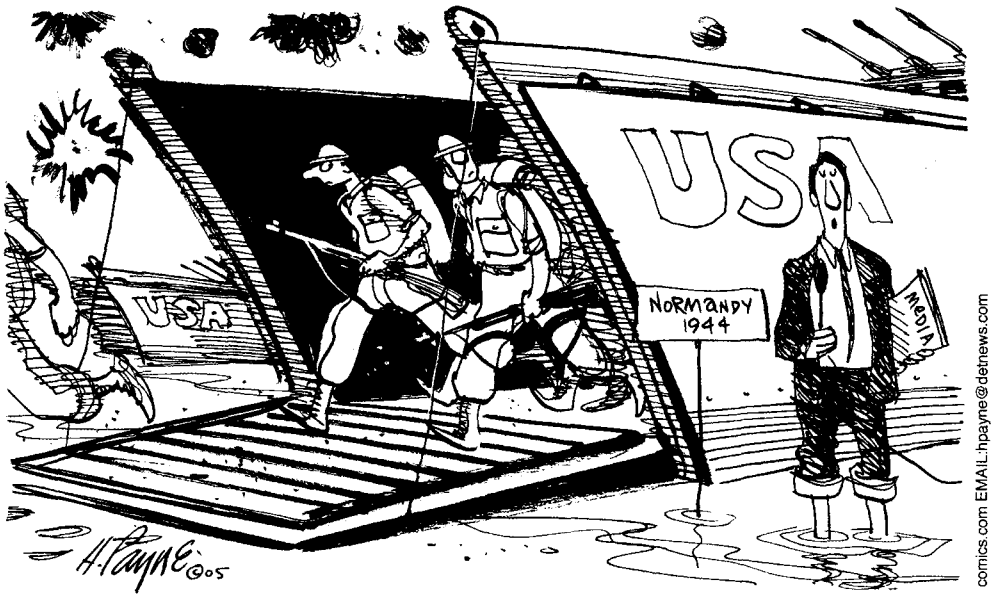
Chris Dodd is a solon in torment.
Joe Biden's abandoning hope.
Both Boxer and Reid are inchoate;
They can't—ain't it glorious?—cope.
Like Bastogne, the 14 are holding.
The doc is beginning to grin.
Chuck Schumer hangs crape in the cloakroom.
Ye gods, how the judges roll in!

—W. H. von Dreele

"Fred hates cats—luckily, cats don't care what people think."



"DNC CHAIR HOWARD DEAN IS SPEAKING TONIGHT."



"MORE REPORTS OF U.S. TROOPS USING THE TERM 'KRAUTS' HAVE HURT GERMAN FEELINGS— AND INFLAMED ANTI-U.S. SENTIMENT AROUND THE GLOBE!"

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the long view

ROB LONG

Transcript:
Larry King Live
December 17, 2005

LARRY KING: "From Hilversum, Holland. Hello!"
CALLER: "Yes, is it me?"
LARRY KING: "Do you have a question for Michael Jackson, caller?"
CALLER: "Yes. Yes, I do. Hello, Michael."
MICHAEL JACKSON: "Hello."
CALLER: "I just want to say that I saw your show last month, during your European tour, and I thought it was fantastic. Just fantastic!"
MICHAEL JACKSON: "Thank you."
CALLER: "So theatrical. Just wonderful. My wife and I thought it was great."
MICHAEL JACKSON: "Thank you very much."
CALLER: "Do you have any plans to get into acting?"
LARRY KING: "Good question. What kind of movie part would a Michael Jackson want to do? Or even, could a Michael Jackson do?"
MICHAEL JACKSON: "What does that mean, Larry?"
LARRY KING: "Well, I mean, you've got a . . . unique look."
MICHAEL JACKSON: "And what does that mean?"
LARRY KING: "I'm just saying that they're probably not going to put you in the next 'Bourne Identity' movie."
MICHAEL JACKSON: "As a matter of fact, we're talking to some people right now about doing some theater work. Performing in a play."
LARRY KING: "Really? Wow."
MICHAEL JACKSON: "The theater really is my first love, Larry."
LARRY KING: "What's the name of the play?"
MICHAEL JACKSON: "'The Vagina Monologues.' Have you heard of it?"

LARRY KING: "Umm . . ."
MICHAEL JACKSON: "Obviously we're adapting it a bit for me."
LARRY KING: "Well, right. I mean, of course."
MICHAEL JACKSON: "You know, music. And dance."
LARRY KING: "What drew you to this particular piece?"
MICHAEL JACKSON: "Are you kidding? Being in a play like that is a surefire way to score with the ladies."
LARRY KING: "Um . . . okay."
MICHAEL JACKSON: "And boy do I love the ladies."
LARRY KING: "Tomorrow! The whole hour with John Tesh!"
MICHAEL JACKSON: "I love John Tesh!"
LARRY KING: "From Albany, Missouri! Hello!"
CALLER: "Hi, Mr. King."
LARRY KING: "Do you have a question for Michael Jackson?"
CALLER: "Yeah, I'd like to know what he'd have done had he been convicted and made to serve time."
LARRY KING: "Good question. Michael, in prison? Worried? Prison-bride situation? What was running through your mind?"
MICHAEL JACKSON: "Well, I think a lot of that was blown out of proportion. The truth is, I think I would have been okay."
LARRY KING: "But the hair and the weird skin and the frail, girlish frame? Don't you think it might have sent the message, 'Hey, gang, tonight's the prom and you're my date'?"
MICHAEL JACKSON: "Not following you."
LARRY KING: "I'm just saying . . ."
MICHAEL JACKSON: "Look, Larry, I know where you're going with this. But I think it's pretty well known—I mean, not to toot my own horn here, but I'm a really famous person—and I think if there's one thing that people all over the world know about me, it's that I do very very well with the distaff side of the fence, get me?"
LARRY KING: "Not really."
MICHAEL JACKSON: "C'mon, Larry. You of all people! A couple of big hets like us, guys who have had more chicks than most poor bastards out there dream about—I mean, notches on my bedpost? You should have seen the look on Macaulay Culkin's face when he saw them all."
LARRY KING: "On 'Larry King Weekend'! Bob Woodward and Deep Throat! Reunited! From San Onofre, California! Hello!"
CALLER: "Um, hi."
LARRY KING: "What's your question, caller?"
CALLER: "Um, I'm a 14-year-old boy, and I was wondering if I could maybe take a bus to Santa Maria and see the Neverland Ranch . . ."
LARRY KING: "I'm cutting you off, caller. Does that happen a lot, Michael? Even after the trial?"
MICHAEL JACKSON: "Larry, I'm sorry to say that it does. Even after a jury of my peers basically said to the world, 'Hey, world, Mike Jackson is all man,' there are still people out there—sick people, Larry—who want to try some crazy scheme to entrap me for blackmail or worse. But it's something that I can't really control, so I just have to deal with it."
LARRY KING: "All celebrities go through that, I guess."
MICHAEL JACKSON: "And what's worse, that caller didn't even know that I don't live in Santa Maria. If he really wanted to come to Neverland Ranch, he'd have to take the bus to Los Olivos, actually. And then walk six minutes into the center of town. Stop at the Jack in the Box on the corner. Drink a strawberry milkshake. On a Tuesday. Between one and three in the afternoon. And wait for a black Suburban."
LARRY KING: "Excuse me?"
MICHAEL JACKSON: "Or whatever. I'm just saying."
LARRY KING: "Next week! Suzanne Somers contacts the dead!"

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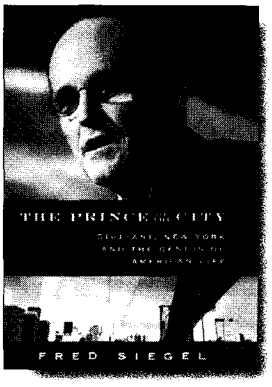
The Right Man, If . . .



The Prince of the City: Giuliani, New York, and the Genius of American Life, by Fred Siegel
(Encounter, 408 pp., $26.95)

RICHARD BROOKHISER

THERE are two ways to enjoy this important and timely book. Everyone in New York who writes about politics knows Fred Siegel, professor of history at Cooper Union and senior fellow of the Progressive Policy Institute. He is an intellectual and a raconteur. He collects bright details like a magpie, and he remembers damning facts with the stern impartiality of Rhadamanthus, judge of the underworld. He has seen the clowns tumble, and he knows where the bodies are buried. *The Prince of the City* can be read as *Plutarch's Lives of the Ignoble New Yorkers*. Who, in the grotesque political culture of this great city, is most memorable? Is it Judge Leonard Sand, who made a First Amendment defense of bums: "It is the very unsettling appearance and message conveyed by the beggars that gives their conduct its expressive quality" (stinking and shouting—the new *Federalist Papers*)? Is it the Rev. Al Sharpton, who, between lying about Tawana Brawley and running for president, sought the Democratic mayoral nomination in 1997; after Ruth Messinger beat him, according to one of her campaign insiders, Sharpton offered to support her wholeheartedly, provided he was given "a generous contribution of several hundred thousand dollars"? Or is it former city councilman Rafael Colon, "indicted on 706 counts of larceny and fraud . . . accused of beating his ex-lover, owing child support for his eight children by four different women, putting a dead cousin on his payroll, and, like many Bronx council members, living outside the city"? Fred Siegel knows, and he wants to share his knowledge with all comers.

The primary subject of *The Prince of the City*, however, is not Gotham's rascals, but an authentic if limited hero, Rudolph Giuliani, who held them at bay for eight years, and who won some important and still lasting victories. "Prince of the City" is a tabloid honorific bestowed on gods of celebrity, most recently the late John F. Kennedy Jr. But Siegel wants to recall *The Prince* of Machiavelli. Machiavelli proposed to sweep aside Christianity in favor of ancient pagan virtues that he believed would save Italy. Giuliani, Siegel believes, swept aside the pseudo-Christianity of late liberalism in an effort to save New York. "He self-consciously replaced . . . rhetoric of compassion, generosity, and multiculturalism—which in practice translated into more social-service jobs, higher taxes, and ethnic strife—with talk of work, self-sufficiency, and a shared Americanism."

Giuliani's major successes during his eight years in City Hall (1994–2001) concerned crime, and welfare. Neither ill, he argued, was determined by uncontrollable forces. "The economy has been weak," Giuliani said, "and the economy has been strong, and it bears no relationship to the crime rate." Adopting the crime-fighting model of "broken windows" policing, Giuliani directed the cops to take care of the big crimes by taking care of the small infractions too. CompStat, a new computerized system of information gathering and sharing, allowed police brass to track the pulse of crime in daily ebbs and flows. Crime went beyond thugs: The mob took a huge bite out of everything from trash collecting to the Jacob Javits Convention Center. Giuliani rooted the wise guys out. Welfare was not a gift of the economy either. "The welfare explosion," Siegel notes, "had begun during the boom years of the 1960s, and welfare caseloads had increased in New York during the great days of the 1980s." The profiteer in this case was the social-work industry, which battened on the problems it was supposed to solve. Giuliani turned welfare centers into clean, well-organized job centers, and got single mothers into the workforce. "For every benefit," he said, "there's an obligation, for every right, a duty."

Crime and welfare may have been controllable, but Giuliani's second term seemed, as if by some natural process, to run out of steam. His marriage fell apart; he was diagnosed with prostate cancer; he sought, then ducked, a Senate race against Hillary Clinton. Then came that cloudless fall day. Curiously, Giuliani had made the 1993 bombing of the World Trade Center a theme of his first inaugural address, in which he hailed New Yorkers who "took charge of themselves and each other." Inspired by his leadership, New Yorkers did so again.

All this is well known. But now if Giuliani runs for anything else it will be president. What does his record, and Siegel's book, tell us about his strengths and weaknesses?

Giuliani believes in knowledge, and preparation. "A leader should have independently acquired understanding of the areas he oversees," he has said. "Anybody who's going to take on a large organization must put time aside for deep study." "Rudy was a good listener," says a friendly Democrat. "If you made a strong argument backed up with evidence, he would change his mind." Giuliani worked as hard as he worked his team, and made them feel like a band of brothers. David Seifman of the *New York Post* compared his inner circle to a U.S. Attorney's office working on a mob case; other sources told Siegel it was like the mob itself. "When Rudy read *The Godfather*," says one of his deputy mayors, "he studied it from the point of view of how to communicate effectively down to the lowest ranks of an organization." In public Giuliani believed in dishing it out. If people "just wanted a nice guy," he said, "they would have stayed with [former mayor David] Dinkins. . . . You don't change ingrained human behavior without confrontation, turmoil, anger."

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BLACKFORD OAKES IS BACK!

"Friends in high places—Buckley's main charm as a novelist, besides the wit, is his easy familiarity with the political and journalistic heavyweights."

—Los Angeles Times

"Buckley makes the going fun, in part by peppering *Last Call for Blackford Oakes* with real-life characters. But the best character is Oakes, who reflects so much of the author himself."

—St. Louis Post-Dispatch

"Blackford Oakes by sheer wit and charm might have won more liberals over to the conservative side than his creator Buckley ever managed on *Firing Line*."

—Booklist

"[Done with] considerable relish and fluent wit."

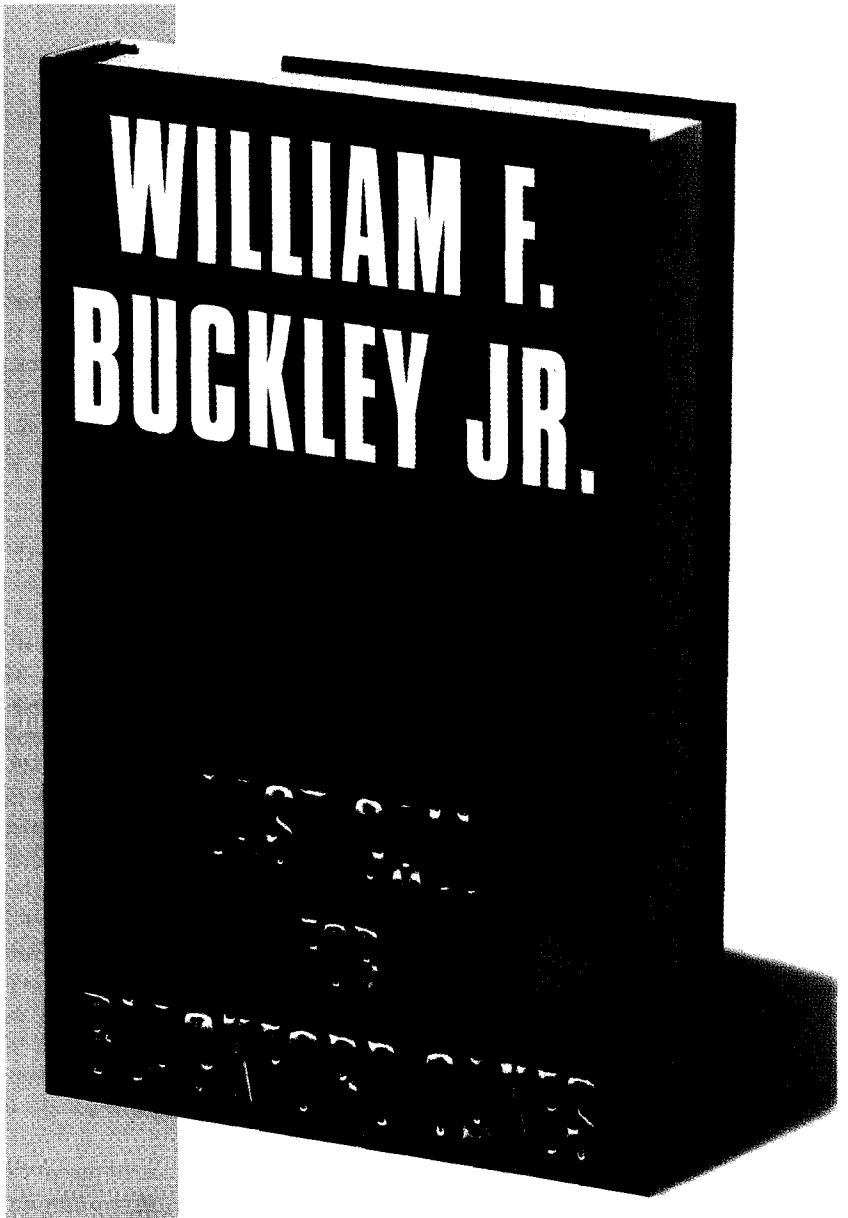
—Time Magazine

"If Le Carré is the Henry James of suspense fiction, Buckley might be the Waugh."

—New York Times

"Some of the best spy fiction in print."

—UPI



Nearly thirty years ago William F. Buckley Jr. launched the dashing character of Blackford Oakes like a missile over the literary landscape. Against the backdrop of sinister Cold War intrigue, in this, his eleventh outing, Oakes crosses paths—and swords—with Kim Philby, perhaps the highest-ranking in the parade of defectors to the Soviet Union. Oakes is now himself a master spy, working out of the agency and around agency rules. It is inevitable that the great Soviet spy and renowned American agent will meet again—this time, with deadly consequences.

ALSO BY WILLIAM F. BUCKLEY JR.:
MILES GONE BY

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These traits, dark enough, have their darker side. Team Giuliani bred cliquishness, and encouraged his own arrogance (not that it was hiding under a bushel). Giuliani had to stand up to hustlers like Sharpton, but some of his battles, such as his 1994 endorsement of Democratic governor Mario Cuomo, were needless, while Siegel believes others—his falling out with his first police commissioner, William Bratton, and with his sometime ally, City Council speaker Peter Vallone—were deeply damaging. Giuliani's consuming ambition, finally, at times led him astray. When he was contemplating a Senate race, he busted the city's budget in an effort to buy votes ahead of time. Siegel says that his position on abortion was dictated by politics as well. "He wrestled with his conscience . . . then under the influence of liberal Republicans . . . who made it clear that opposition to abortion would cost him dearly in votes from Jewish women, Giuliani went pro-choice." Is a weasel morally superior to Moloch?

Our standards for presidential contenders are both maniacally high and scandalously slack. Candidates self-destruct for trivial reasons—Howard Dean yelling, Bob Dole snarling—yet at the same time, anyone who articulates a point of view or represents a big tract of nothing is deemed competent to take on Osama bin Laden. Giuliani does not fit this model. His sins are scarlet; his achievements are real (he would be the first presidential candidate since Dwight Eisenhower who had actually done something); his limitations as a politician and a leader are serious, and would be worse in the White House. Senators may be as dumb as Rafael Colon, but they require more tact.

Giuliani poses a special problem for conservatives. He is not a moderate, some goo-goo John McCain or Chuck Hagel growing in office and gobbling doggie treats from a kindly media. Siegel's label, "hard-edged moderate," is no more accurate. Giuliani is simultaneously extremely liberal and extremely conservative. We have never faced quite that mix.

I can't see him winning unless disaster strikes. If it does, there is no one I would rather see in charge. We've been there already. **NR**

Twilight

Forgotten Armies: The Fall of British Asia 1941–1945,
by Christopher Bayly and Tim Harper
(Belknap, 608 pp., $29.95)

ARTHUR HERMAN

In the predawn blackness of December 8, 1941, hours ahead of Japan's attack on Pearl Harbor 3,000 miles away on the other side of the International Date Line, Japanese troops landed in northern British Malaya. That afternoon Britain's two most powerful warships in the region, the *Prince of Wales* and the *Repulse*, left Singapore to try to stop them. On December 10, Japanese torpedo bombers quickly sent both to the bottom; on the 11th, planes attacked defenseless Penang. A doctor remembered the panicked inhabitants running away as if in a scene from H. G. Wells's *War of the Worlds*. A week or two later, the Japanese were steadily advancing down the Malay peninsula to Singapore, the supposedly invincible fortress of British Asia. On January 27, 1942, the British rear guard blew up the causeway connecting Singapore to the mainland. A local English teacher heard it and asked some passing boys what the noise was. One of them, young Lee Kuan Yew, answered: "That is the end of the British Empire."

He was right. In less than three weeks, Singapore's 130,000 British soldiers would surrender to a Japanese force less than half their size—the largest surrender in British military history. It sounded not only the death knell of the British Empire east of Suez, but of white colonial rule in Asia. The table was set for new independent states all across the region (Lee Kuan Yew would grow up to become prime minister of Singapore), including India and Pakistan, and for the Vietnam War. Before World War II was over, the British would go from being the masters of Asia to its discredited and demoralized pariahs.

How did this happen? Authors Christopher Bayly and Tim Harper contend that it was the result of an irresistible combination, on the British side, of complacency, incompetence, and moral cowardice. This book, *Forgotten Armies*, is a brilliant and compelling work. Anyone who likes great disaster stories—and who doesn't?—will love it. But it is also a cautionary tale of what happens when a great power lacks the courage of its commitments, and when moral resources no longer live up to material power—a precursor of what was going to happen to America in Vietnam, or even what might have happened in Iraq and the Middle East if John Kerry had won the 2004 election.

How did the British undercut an imperial position that had taken 200 years to build? First, by their myopic racial attitudes. Their complacent belief in white supremacy certainly led them to underestimate their Japanese opponents. But the rigid colonial color bar also ignored the racial complexities of the multiethnic societies they governed. This meant the British missed crucial opportunities to cultivate allies, such as Burma's Christians, who might have stood with them when the bombs began to fall.

Not that many British were going to stand, anyway. A fashionable pessimism pervaded the elites of the Western democracies in the inter-war years. Many, not to say most, of Britain's colonial officials no longer believed in what they were doing; one in Burma found everything he did swathed in "injustice and illegality." This sense of futility and fatalism, reflected in George Orwell's *Burmese Days*, was reinforced by the leftist politics of the era. For years socialist intellectuals and the British press had portrayed the empire's "whisky-swilling planters" and "gin-swilling pukka sahibs" as the epitome of Western corruption and oppression; it was not just radical nationalists in Burma or Malaya or India who came to believe it. "Many of the new

Mr. Herman is the author most recently of *To Rule the Waves: How the British Navy Shaped the Modern World*. He is currently working on a book about Churchill and Gandhi.

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British officer class in India had no natural allegiance to the Empire," Bayly and Harper write; a few were out-and-out Communists. So when the collapse came in early 1942, many saw nothing worth saving except their own skins.

Which they did, in a series of squalid episodes painfully reminiscent of Saigon and Phnom Penh in 1975. Officials, soldiers, officers, merchants fled any way they could, leaving the people they had ruled, and in many cases brought into the empire—including hundreds of thousands of Indians who had come to cities like Singapore, Rangoon, and Mandalay as sweepers, servants, laborers, merchants, and moneylenders—to the mercy of the Japanese. Some non-whites tried to escape: At least 80,000 refugees died trying to flee from Burma into India.

Most however, did their best to adjust to the realities from which the British had escaped. Nationalists who had lived on a diet of hatred of their former colonial masters assumed the Japanese invasion meant liberation; thousands pitched in with Japan's puppet Indian and Burmese regimes. But if being ruled by the British had its drawbacks, being part of Japan's Asian empire was even worse—with its "sook chings" or mass shootings of ethnic Chinese, its dragooning of tens of thousands of "comfort women" for its armies (one Penang woman remembered being raped by 30 soldiers a day), and its mass slave labor for the infamous "death railway" on which ten to twenty Burmese, Indian, Malay, and Thai laborers died for every Allied prisoner who did.

The sad fact was that more Asians were willing to fight for the Empire than the British could have expected, or even deserved. Indian troops fought and died bravely in the futile defense of Singapore; Burmese hill tribes rallied against the Japanese from the start. Malays and Eurasians kept cities like Singapore going when every trace of British administration vanished. Even while millions starved in Bengal (the fall of Burma had cut off vital rice imports, while incompetent and corrupt administrators were slow to react to the crisis), Indian army officers and soldiers, especially Muslims, remained loyal to the British Raj. But once the Japanese had finally been expelled and the war was over, no one was in the mood to forgive those who had abandoned them—and who had proved so weak and unprepared.

Yet British planners assumed they would simply resume their old dominions at war's end. They even thought they would be taking over independent Thailand. This kind of disconnect from reality is, of course, typical of a bankrupt elite, including the elite of modern liberalism today. It is striking how we see the same arrogant inertia and sense of entitlement in the face of disaster, alternating with gloom and panic. Like the rulers of the former Raj, today's liberals have always assumed that the natives are grateful to be told what to do and what to believe; they are bewildered and resentful when they learn they are not.

Someone in *Forgotten Armies* describes the first Japanese bombs falling on a luncheon party at Mandalay's most exclusive club. "We didn't know what hit us," he remembered. "One minute we were seated at table, the next the roof caved in, tables, chairs, food, and ourselves were scattered all over the room." Today, the roof is caving in on liberalism. Let's just be grateful they no longer have the power to bring us all down with them. **NR**

WILLIAM STAFFORD

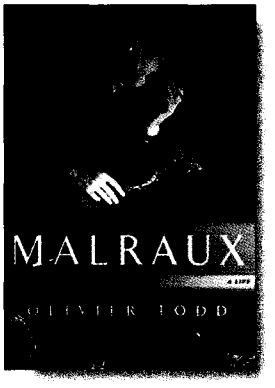
He had already posed it dozens of ways,
all of them graceful and quiet,
and when its time came round death came politely.

Bill said to Dorothy, "This was
a good day," then went away all at once—
gently, if anyone could do that gently.

O a long life, a good life, when even sorrows,
even death, could find their welcome in it.
Why then these tears.

—DICK BARNES

Matters of Life and Death



Malraux: A Life, by Olivier Todd (Knopf, 560 pp., $35)

ALGIS VALIUNAS

Few men live the sort of life they imagine for themselves in the boldest daydreams of youth. André Malraux (1901–1976) was one of the few. Swashbuckling was his primary vocation; shouldering his way into the world's most perilous corners, loving the test of nerve, loving even more the general adulation for his feats of daring, he seemed to spend his days swinging from chandeliers with rapier in hand, after the Douglas Fairbanks manner. And of course he wrote, often about himself and men like him, the intimate companions of violent death. As one learns from Olivier Todd's fascinating biography, he was fond of quoting Napoleon's proclamation, "My life is quite a novel." One of Malraux's two best novels, Todd concludes, was "his own staggering, rollicking life."

Most writers, and especially French writers, scorn the bourgeois life, defined since Rousseau's famous sneer by its fear of violent death and its devotion to selfish pleasures of small consequence. Malraux despised it with particular ferocity. The son of an improvident businessman who skipped out on his family when André was

Mr. Valiunas is the author of *Churchill's Military Histories: A Rhetorical Study*.

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an infant, the young Malraux could not bear the tedious drill of school, and ended his formal education at 16. Victor Hugo, a paragon of demonic energy who lived as ardently as he wrote, became Malraux's model of artistic and political nobility. They were indeed similar, writes Todd: "So many lives in one, so many talents in one man." Malraux tried this and that in the hopes of striking it rich. He earned a living as a rare-book dealer, wrote criticism for little magazines, published expensive editions of highbrow pornography. Fabulous schemes beguiled him. He sank his young wife's fortune, almost a million dollars in today's money, into Mexican mining shares, and lost the bundle.

A steady job was unthinkable, but plunder always remains a viable option for the venturesome. At 23, Malraux took his wife, Clara, on an expedition to the Cambodian jungle, where they excised some beautiful stone carvings from an ancient Khmer temple, with an eye toward selling them in America. The colonial authorities nabbed the couple, and sentenced Malraux to three years in prison. The faithful Clara enlisted the aid of prominent French literary men, who petitioned that the judiciary show leniency to a young man who one day would surely increase "the intellectual wealth of our country." No imperial functionary longing for Paris could resist the importunities of André Gide and François Mauriac, and Malraux's sentence was suspended. Before long he was back in Indochina as editor of a newspaper that derided the French civilizing mission and pressed for liberation of Annam (a region in today's Vietnam). That particular anti-imperialist fantasy dissipated after a year or so, but the afterglow would last a lifetime.

Malraux's Indochinese adventures would furnish matter for his first four novels: *The Temptation of the West* (1926), an exchange of meditative letters between two young intellectuals, one French, the other Chinese; *The Conquerors* (1928), a testimonial to revolutionary will, invincible even in the face of death; *The Royal Way* (1930), a gripping account of archaeological plunder in the Cambodian jungle and of the half-mad white man who would be king of a remote native tribe; and *Man's Fate* (1933), Malraux's finest novel (though Todd gives that distinction to *Man's Hope*), about the 1925–27 Chinese revolution in which Chiang Kai-shek's revolutionaries of the Right turned on their sometime Communist allies and, at least in Malraux's telling (Todd says it never happened), burnt them alive in locomotive boilers.

Life without danger was no life at all for Malraux. "One must risk death, not to die but in order to live," he wrote to a friend in 1934, after a cyclone had nearly brought down a small plane in which he was flying. That year with a pilot friend he flew over the Yemeni desert in quest of the lost city of Sheba, capital of the Biblical queen. Bedouin riflemen fired at them from the ground, and their fuel ran dangerously low, but Malraux claimed to have found the city; every respectable archaeologist scoffed, and in response Malraux's descriptions of his find only grew ever more bold and extravagant. Extravagant boldness was his style. He tried to organize a commando raid of especially manly writers to rescue Trotsky from Stalin, who had exiled his rival to Alma-Ata; fortunately, there were no takers. He commanded a Republican air squadron in the Spanish Civil War, although he had never flown a plane; from this wartime experience he wrote *Man's Hope* (1937), which for a socialist apologia offers a surprisingly astute consideration of political intelligence as it moves between theory and action. He served in the Resistance under the pseudonym Colonel Berger, after the hero of the novel he had just written, *The Walnut Trees of Altenburg*. "When one has written my books, one fights," Malraux insisted. Todd declares, "Malraux detests war in theory, but in practice . . . he is attracted and obsessed by it."

No matter how brave Malraux was in fact, he was never brave enough to satisfy his fantasy of himself.

Malraux was certainly obsessed with his image as the most warlike of writers—so obsessed, in Todd's account, that he lied endlessly about his exploits. No matter how brave he was in fact, he was never brave enough to satisfy his fantasy of himself; to astound the world with his derring-do, significant male enhancement was called for. Todd punctures Malraux's inflated rendition in *Anti-Memoirs* (1967) of his capture by the Nazis, and shows that Malraux parlayed a decoration awarded under false pretences into a legendary reputation as one of the greatest Resistance warriors.

With careful nurture, legends grow and grow. Relying on a Malrucian canard that had gained credence through sheer repetition, Richard Nixon asked to speak with Malraux before embarking on his landmark 1972 summit with Mao Tse-tung; the word was that Malraux had taken part in the 1927 Chinese revolution, had known Mao and Chou En-lai in China then, and had stayed in touch with them since. In fact Malraux had had nothing to do with Chinese revolutionaries except writing novels about them, and had enjoyed one rather brief and perfunctory interview with the two Chinese leaders in 1965, which in *Anti-Memoirs* he made out to be an epic exchange of profundities among three world-historical figures. According to Todd, Malraux was so rapt in his own gross toadying that he failed to appreciate the contemptuous treatment Mao dished out to him.

At the time of that interview, Malraux was minister of culture in de Gaulle's government—not exactly a socialist gig—but he always had a soft spot for the revolutionary heroes he had revered as a younger man. About them he was an inveterate fantasist as well. Although he was sufficiently frank to disparage socialist realism in literature at the Soviet Writers' Conference in Moscow in 1934, he subsequently retreated from his own honesty about Communist failures. Some writers are more scrupulous about honoring the truth than others. In 1937 André Gide repented of his own infatuation with Communism, writing in *Return from the USSR* that the Soviet Union "has betrayed all our hopes." Malraux essentially dismissed Gide's critique and averred, "Trotsky is a major moral force in the world, but Stalin has restored dignity to the human race." With Malraux, Todd writes, "an imaginary socialism gets the upper hand on socialism as it exists."

In politics Malraux came up short on moral courage. Yet in the face of terrible personal loss he did show a rare mettle.

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The body count of his loved ones who met a violent end leaves one reeling. Malraux's father committed suicide; his two half-brothers were killed in World War II; the love of his life, Josette Clotis, fell under the wheels of a train; their two sons died in a car wreck. Somehow he endured the blows without losing his mind completely, although in his last years he did descend into alcoholism and sometimes relied on Haldol, a potent anti-psychotic that tends to leave one temporarily brain-dead.

Suffering and death were the great themes of his work, and it seems they sought him out at least as ardently as he went looking for them. To understand "the supreme riddle of 'What am I doing on this earth where sorrow reigns?'" was the object of his thought and action. He thought he found the answer: In the fraternity of *les misérables*, and of the spirited revolutionaries who are willing to kill and die for them, Malraux discerned the affirmation of the life he led, and indeed of life itself.

In his romantic persona, his wanderlust, his literary accomplishment, his political engagement, and his familiarity with violent death, the figure most like Malraux is François-René de Chateaubriand. Yet a fundamental difference strikes one. In his *Memoirs from Beyond the Tomb* (1849–50), Chateaubriand describes with harrowing precision a French revolutionary mob he watched from his window in 1789; the murderers sang and danced and jumped about as they flaunted two heads on pikes, one dead man's eye hanging out of its socket, the pike protruding from his open mouth. Chateaubriand, a nobleman but a champion of the Rights of Man, cried out to the mob, "Brigands! Is that how you understand liberty?" Hating the mad viciousness that defiled the noble ideals of liberty, equality, and fraternity, Chateaubriand became perhaps the original neoconservative. By contrast, Malraux never entirely got over his love for the glamour of violence, his esteem for those who will bear and inflict any suffering for the revolutionary cause they serve, as though it were violent death en masse that justified the dream of socialist justice rather than socialism that justified violent death. For this wondrously gifted man, one life seemed hardly enough to contain his passions; yet in the end one suspects it was not life that Malraux really loved. **NR**

■ SHELF LIFE ■

Assault on The Citadel

MICHAEL POTEMRA

For decades now, conservatives have been complaining about the failure of the academy to defend the cultural patrimony. If the university is not going to transmit to young people the highest achievements of the human mind and heart, it has forfeited its true mission and become a mere accrediting agency for the Upper Middle Class; such an institution will, for a time, hide its intellectual irrelevance behind huge financial endowments—but the day of reckoning will surely come. The marvelous new book ***Theory's Empire: An Anthology of Dissent*** (Columbia, 725 pp., $29.50), edited by Daphne Patai and Will H. Corral, shows that the day of reckoning may be nearer than we think—because it shows that conservatives are no longer alone in their critique of a failing institution.

Theory's Empire is a splendid achievement, a collection of 47 essays by scholars who object to the recent dominance of capital-T Theory in higher education—the historic shift away from an emphasis on intellectual and aesthetic content (artworks, histories, etc.) to a totalizing discourse making generous use of abstractions that are half-baked, pretentious, and arbitrary. The book's tone is established even before page one, by a cartoon opposite the title page: A couple of mice are discussing a box of cereal labeled "Deconstruction Breakfast Food Product." One mouse comments: "Pretty dry and flavorless, isn't it?" The other retorts: "Your question is informed, or should I say misinformed, by the conventionalized bourgeois cereal paradigms that center on such outmoded esculatory notions as taste, nutrition, and edibility." Clearly, this is not your father's textbook; it's closer to *The Norton Anthology of Screw-the-Academy*.

"What really damages deconstructionist criticism," writes Morris Dickstein in one of the essays, is "its remoteness from texts, its use of them as interchangeable occasions for a theoretical trajectory which always returns to the same points of origin, the same indeterminacy and happy multiplicity. . . . Skeptical of interpretation, the critic remains faithful to the sound of his voice, the invitation some texts offer to his resourceful cleverness." Many academic maladies—politicization, sexualization, identity politics—are diagnosed by the contributors, who sometimes bring to light hilarious examples of scholarly nonsense. For example, in his essay on "queer theory," Lee Siegel recounts what theorist Eve Kosofsky Sedgwick made of a certain passage in the writings of Henry James. Aged 62, visiting California and looking forward to returning home full of material to reflect on and write about, James wrote in a notebook: "My long dusty adventure over, I shall be able to [plunge] my hand, my arm, *in*, deep and far, and up to the shoulder—into the heavy bag of remembrance—of suggestion—of imagination—of art." Sedgwick explains this passage as demonstrating "how in James a greater self-knowledge and a greater acceptance and specificity of homosexual desire transform this half-conscious enforcing rhetoric of anality, numbness, and silence, into a much richer, pregnant address to James's male muse, an invocation to fisting-as-*écriture*." One need not be committed a priori to the idea that James was a heterosexual to recognize that this is worthless pap.

The strangest of strange bedfellows in this anthology is the left-wing polemicist Noam Chomsky, who contributes an essay deploring recent academic attacks on what is fashionably labeled "white male science"; Chomsky stands up for the rationality of the scientific endeavor. His is a valuable brick in the collective wall of these 47 essays, which amount to a full-scale Defense of the Humanities, and a

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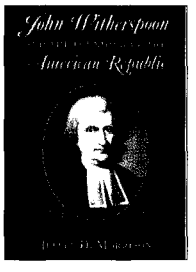
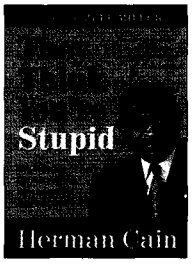
vindication of the intellect generally; that *Theory's Empire* comes from a prominent Ivy League academic press is great news, a sign that the good guys are winning the cultural high ground.

■ The only clergyman—and only college president—to sign the Declaration of Independence was Scottish Presbyterian minister John Witherspoon, whose story is told in the new book ***John Witherspoon and the Founding of the American Republic*** (Notre Dame, 220 pp., $22.50), by Jeffry H. Morrison. Witherspoon's influence on the new republic continued past the founding era, because he had been mentor, at Princeton, to some of Federalist America's most important figures, including James Madison. (Curiosity, and a Google search, yield the additional information that among Witherspoon's direct descendants is, yes, the actress Reese Witherspoon.)

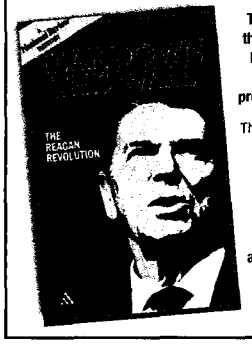


"What we now call the Revolutionary War," writes Morrison, "was known by many in Europe and England—even by George III—as the 'Presbyterian Rebellion.'" As the central figure in colonial Presbyterianism, Witherspoon was well placed to help guide the uprising; it was helpful that he was both a "staunch Calvinist" and a man of "manifest Christian ecumenism," "more tolerant than most" of his contemporaries. (Of Roman Catholics, for example, he said: "We ought in general to guard against persecution on a religious account as much as possible. . . . Papists are tolerated in Holland without danger to liberty.") Witherspoon realized both the need for religion in a healthy body politic, and the desirability of religious liberty and freedom of conscience: a nuanced position that would become the American consensus.



■ In 2004, former Godfather's Pizza chairman Herman Cain ran a spirited campaign for the GOP nomination for Georgia's U.S. Senate seat; in ***They Think You're Stupid: Why Democrats Lost Your Vote and What Republicans Must Do to Keep It*** (Stroud & Hall, 216 pp., $24.95), he now offers equally spirited advice to America's current majority party. The Democrats are losing support because of their intellectual bankruptcy, which betrays itself in their resort to low-road attacks. (During the Senate campaign, Rev. Joseph Lowery, former president of the Southern Christian Leadership Conference, criticized Cain for running as a Republican, and commented: "There's a myth going around that to be rich and famous you have to be Republican . . . And some colored folks are falling for that. No black people, but some colored folks." Can you imagine a GOP politician getting away with that blatantly racist smear?) Republicans, writes Cain, need to hang tough in enacting their economic-freedom agenda, because prosperous voters will be loyal voters: "The success of President Reagan's fiscal policies allowed millions of citizens to build first-generation financial security and wealth and in the process created lifetime supporters of the Republican party. I am one of them." He also suggests a significant change in the meaning of "GOP," from "Grand Old Party" to "Government Of the People"—to make clear that Republicans' support for low-tax, small-government policies is grounded not in a class bias toward the wealthy but in respect for the decisions of individual citizens. One of the highlights of this inspiring book is an appendix containing Cain's 2003 sermon at Dr. Robert Schuller's Crystal Cathedral; the man's political message is of a piece with his sense of life's basic purpose. **NR**

NR on RR



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■ ARCHITECTURE ■

Modern Memory

CATESBY LEIGH

DURING Operation Desert Storm, Gen. Norman Schwarzkopf revived the apothegm, attributed to Stalin, that "quantity has a quality all its own." The principle no doubt holds true for tanks, bombs, and troops. But memorials are another matter.

Nevertheless, memorial design recently has tended to substitute quantity for quality. Sometimes, it is true, this is mandated by the sponsors, as with the numbingly overscaled five-acre site for the September 11 memorial at Ground Zero. It's as if the Lower Manhattan Development Corporation thought a sprawling memorial would make for a meaningful one. Preservation of the Twin Tower footprints, which are nearly 200 feet square, has made it very difficult to provide a focus for the memorial. Not surprisingly, the winner of the Ground Zero memorial competition, Michael Arad, is attempting to make the footprints the foci by turning them into sunken pools girded by waterfalls.

The Pentagon's September 11 memorial will also be a sprawler, consisting of 184 diving-board-like memorial benches, each perched over its own tub of water—one bench for each victim of American Airlines Flight 77's immolation. The benches will be arranged on timelines that indicate each victim's age. At the Oklahoma City Memorial, 168 chairs are arranged on one side of a shallow pool flanked by flat, minimalist arches, with each row of chairs corresponding to the number of victims on the different floors of the Alfred P. Murrah Federal Building.

And of course it was through the sheer quantity of names of the dead inscribed on the Vietnam Veterans Memorial that Maya Lin intended to impart a sense of the magnitude of the loss that the war inflicted. But Lin's memorial is uncluttered and spatially contained. It has a clear focus—the ver-

Mr. Leigh is at work on *Monumental America* for Spence Publishing.

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tex of the granite chevron she implanted in the Mall's landscape. Focus is one of the key missing ingredients in our current crop of minimalist memorials.

Certainly that is the case with Peter Eisenman's new Memorial to the Murdered Jews of Europe, which was dedicated in May. Situated near Berlin's Brandenburg Gate, this memorial sprawls over five and a half acres and boasts 2,711 gray concrete blocks arranged in a grid. The uneven cobblestone pavement slopes downward as the visitor ventures into the grid. The blocks, which rise just a few inches from the ground on the memorial's perimeter, gradually morph into slabs as tall as 15 feet. The surrounding city becomes invisible; the slabs tilt ominously. The idea is to convey a visceral sense of a world slowly, inexorably, coming unhinged.

This sort of purely conceptual approach to memorial-making almost always falls flat, however, because its artistic and symbolic content is so, well, minimal. Not surprisingly, the authorities who oversaw the Berlin project took out a sort of insurance policy in the form of an underground multimedia information center, which documents the Holocaust with textual displays and personalizes it with accounts of the havoc it wreaked on individuals and families. The information center thus serves as a documentary crutch for an artistically and symbolically hamstrung memorial.

Not surprisingly, such a documentary facility is planned for the Ground Zero memorial—and even for the Vietnam Veterans Memorial. The Oklahoma City Memorial includes a full-fledged multimedia museum that documents every aspect of the terrorist bombing and its aftermath in exhaustive detail.

The memorial museum is currently the main alternative to the minimalist memorial. One wonders why the Germans even bothered with Eisenman's slabs when the building Daniel Libeskind designed for the Jewish Museum Berlin, completed in 1999, itself functions as a Holocaust memorial. Libeskind, of course, concocted the master plan for reconstruction at Ground Zero. His roots are sunk deep in deconstructionism, as are Eisenman's. Both are conceptualists who look at architecture not in terms of its intrinsic formal content, but in terms of the ideas they associate with it.

In plan, Libeskind's curious museum structure is conceived as an unraveled, jagged Star of David. Its exterior is clad in zinc panels and scarred with window-slits that intersect seemingly at random. Visitors descend into the basement of this building from the converted baroque courthouse next to it, then follow one of three "axes" or routes. Punctuated by jarring vertical shafts, or "voids," that extend from the bottom to the top of the building, these unsettling pathways feature inclined floors under level roofs, tilting walls, and constricted spaces. (Eisenman has relied on much the same script.) The pathways, which also include display cases, have separate destinations: a tall, gloomy, narrow chamber dubbed the "Holocaust Tower"; a Garden of Exile and Emigration; and a long, steep, stark "Staircase of Continuity" up to the permanent multimedia exhibition that covers the 2,000-year history of the Jews in Germany.

Thus Libeskind's building is, among other things, a Holocaust theme park. Similar is the U.S. Holocaust Memorial Museum in Washington, D.C., where the permanent exhibition designed by Ralph Appelbaum amounts to a long and winding chamber of horrors; it is an atmospherically, scenographically, and technologically sophisticated production. But after walking through it one feels drained rather than edified by the documentary pyrotechnics. There is also a theme-park element to the Washington museum's architecture: In the first large room visitors enter, the Hall of Witness, architect James Ingo Freed has, like Eisenman and Libeskind, sought to evoke a world out of joint by resorting to skewed geometries. A glazed roof slants across the hall, while rails on the stairway to the second floor are pitched at oblique angles to one another. Here and elsewhere around Freed's building grey metal fixtures—factory-style lighting, ventilation louvers, doorways, recessed wall panels, treaded floor panels, girders, and a plethora of bolts—are employed as a death-camp décor. Whereas Libeskind has taken an abstract, arcane, and formally histrionic approach to his Holocaust theme park, Freed's is a more "representational" one.

To be sure, Washington's Holocaust Memorial has been a big draw since its opening in 1993; its success inspired the construction of a new Yad Vashem Holocaust History Museum in Jerusalem. The Jewish Museum Berlin, in turn, reported an impressive 700,000 visitors in 2004. It is doubtful that Eisenman's minimalist memorial, lacking the museums' atmospherics, will achieve a comparable popularity.

But whether the success of those museums will endure for centuries or even decades is a big question. And along with our current crop of minimalist memorials they pose another question: Whatever happened to the classical practice of distilling meaning in works of civic art by means of a traditional vocabulary of symbolic forms, starting with the human figure? After all, this practice has given us the spatially compact, vertically integrated, aesthetically and emotionally resonant memorials that have enriched our communities across the ages.

But how can such memorials evoke the horror of the Holocaust? the conceptualists and the museologists will ask. The truth, of course, is that no memorial, whether conceived in documentary, minimalist, or symbolic terms, can plumb the depths of that evil. Nor should it be a Holocaust memorial's purpose to do so. Memorials, like art in general, have a redemptive purpose, as the Scottish classical sculptor Alexander Stoddart rightly emphasizes. The artist's role is not to reproduce the "reality" of the Holocaust. It is to divine some aspect of that or any other historic episode that lends itself to an artistic interpretation that ennobles the public realm through the poetic recreation of human experience.

Is that impossible where the Holocaust is concerned? Perhaps not. Some years ago I saw a sculptor's advertisement in a trade magazine with a photograph of his Holocaust memorial. The sculpture included a family of peasants from a shtetl, peering out in different directions, as if trying to locate, or fathom, some tremendous unseen evil on the horizon. This sculptor was on the right track. But not a fashionable one, because our official postmodern culture is busy suppressing the artistic instincts and conventions that, in times past, have led us meaningfully to symbolize human experience. Our sprawling minimalist memorials and elaborate multimedia information centers and museums thus represent a futile antidote to a dysfunctional visual culture. **NR**

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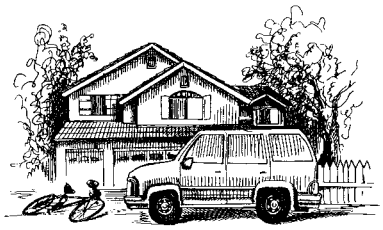
■ THE STRAGGLER ■

Blinding Science



JOHN DERBYSHIRE

My son and I were, I'll admit, a little miffed at not having won either First or Second Honors at the school science fair. We did get an

Honorable Mention: "Which kind of glue makes the strongest bond?" by Danny Derbyshire.

This was the Straggler family contribution. We had assembled five different kinds of adhesive, ranging from a Staples glue stick to an epoxy cement with a list of ingredients that looked to have been harvested on the planet Krypton, all "spheno-" and "poly-" and "chloro-." We had cut ten lengths of wood and stuck them together in pairs, one pair per adhesive, assiduously following the instructions on each product. Each stuck-together pair had then been put in the angle of Dad's folding ladder, erected on the back lawn, and had barbell weights hung from one of its components until the adhesive bond broke. The weights had been recorded and conclusions duly arrived at.

It was an impressive piece of research, and we cannot understand why it rose no higher in the judges' estimation than Honorable Mention. What was so superior about Grant Siele's "Cleaning Pennies," Kerri-Ann Giambruno's "Short-Term Memory," or Sara Goldenbaum's "Melting Ice"? Ice melts, duh. (Though we agreed that Jacob Roday's "How Moldy Is My House?" was a superior piece of work—deserved some kind of special award for grossness, in fact. Jacob: "I like to experiment with disgusting things.")

When I was a little more than my son's present age there was much talk about the Two Cultures, following C. P. Snow's famous 1956 essay. Not having arrived at any worldly understanding by that point, and having just read H. G. Wells's *The Time Machine*, I picked up a vague notion that the human species was splitting into two, a development whose end result would see languid literary intellectuals in velvet jackets, smoking Gauloises and perhaps drinking absinthe, discussing Boileau and Virginia Woolf in the upper world, while technicians in lab coats toiled away in underground caverns to supply these cultivated loungers with medicines and gadgets.

I now understand (the better, since reading Roger Kimball's fine *New Criterion* essay about it) that Snow's concerns were largely misplaced, his view of literary culture stunted, and his claims for the scientific outlook exaggerated. The arts and humanities are not mere entertainment, to be turned to for relaxation after a busy day spent solving differential equations; they are our templates for living, for governing ourselves and our societies. Nor can science offer any help with the knottier problems besetting the human race. It can remedy bad smells, bad pains, and bad roads, but not bad behavior, bad government, or bad ideas.

I have, though, always nursed a great affection and respect for science. The humility of good scientists when confronted with plain facts is a beautiful thing to see. I would go so far as to say that it represents one of the greatest moral advances the human race has yet made. Steven Weinberg, in his book *The First Three Minutes*, says this about the status of the cosmological theory he has set out to explain: "Can we really be sure of the standard model? Will new discoveries overthrow it . . . ? Perhaps . . . However, even if it is eventually supplanted, the standard model will have played a role of great value in the history of cosmology." This is not, to put it very mildly indeed, an attitude commonly found among philosophers, theologians, or literary critics. I am similarly taken with science's admiration for elegance and economy of thought, for the most parsimonious explanation among all those that fit the observations.

Not all facts are plain, unfortunately, and scientists are subject to the same temptations as the rest of us. Given a mass of very approximate data that can be made to fit different interpretations, and given further the offer of a fat research grant from some U.N. agency or left-wing foundation, on the understanding that the interpretation likely to inspire further such grants will be the one that best accords with fashionable political dogmas, scientists prove to be as corruptible and capable of self-delusion as any absinthe-swilling Eloi, as the current controversy over global warming illustrates.

Nor does it help that much science is done in the academy, where the poisonous vapors of campus claptrap waft even into the physics lab. If you spend your working hours thinking very hard about difficult math or science, you will have little mental energy left for the careful consideration of political or social matters, and will be liable to take in uncritically whatever is in the air around you. That is why scientists are so often political idiots.

But the fact that scientists are too often suckers for political leftism does not alter the fact that their disciplines are, with their innate and, in the long run, unconquerable resistance to wishful thinking, essentially conservative in spirit. A key clue here—one that makes true suckers, if not intellectual traitors, out of left-wing scientists—is the contempt for science that is implicit in all leftist theorizing, from Marx's "scientific socialism," which proved so unscientifically reluctant to dump a bad theory when all that theory's predictions were contradicted by events, to the current postmodernist blatherings about science being a fraud perpetrated on the masses by ruthless white-male-heterosexualist-Eurocentric power elites.

Science, understood in its proper modesty—Roger Kimball quotes Matthew Arnold's phrase about "the tone of tentative inquiry, which befits a being of dim faculties and bounded knowledge"—is on the side of the angels. A proper respect for the calm disciplines of "scopy" and "metry" (that is, of observation and measurement) is an essential attribute of the civilized mind. It is not given to us to know very much about the inner workings of the world. That we know anything at all about them is miraculous. Who would have imagined, for instance, that carpenter's wood glue has more than 20 times the bonding power of mucilage? **NR**

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WILLIAM F. BUCKLEY JR.

Foul Felt

NEW YORK, JUNE 3

MARK FELT has made it clear that he wants to cash in on this whole Watergate business, and why indeed not? It was thought for some 30 years that Deep Throat did as he did to preserve the honor of his country. Perhaps that was the precipitating motive of Mark Felt. But to agree on that point requires that you agree that getting Richard Nixon out of the White House was the supreme national concern, in which event it would have been okay to shoot him. What Felt loosed was a series of explosive newspaper stories which bound public opinion and overwhelmed policy-making and policy-makers. It is indisputable that Watergate doomed South Vietnam, and accounted for the Republican defeats of 1974 and 1976. It can certainly be argued that Mr. Nixon dug his own grave by making the mistakes he made.

Presidents do that all the time. They make fateful mistakes. But the judicial arbiters of history tend to come up with appropriate punishments. Monica Lewinsky came close to tossing President Clinton out of office. Yet it does not follow that because the president dallied with Ms. Lewinsky he should have been impeached and tossed out. Nixon's overreaction to the publication of the Pentagon Papers didn't mean that his mandate to govern was for that reason forfeited.

No, what ejected Nixon was the accumulation of crossed stories. It is well documented that beginning about November 1973 life at the White House centered on Watergate. The series of lies and evasions finally caught Nixon up in a direct lie taped by his own machinery. On June 28, 1974, Gerald Ford was on *Firing Line* and I asked him whether Nixon would successfully persevere. He answered that there was no doubt about the survival of Nixon as president. Six weeks later, Ford was sworn in as president.

Now Felt steps forward and says that it was he who in effect staged the end of the Nixon Administration. What he did was to report to *Washington Post* reporters, Bob Woodward and Carl Bernstein, everything that came to his attention through the fish-eye lens. Felt wanted to know everything about the traffic of dollars to and from the Committee to Reelect the President, and everything about the the activities of everyone associated with the White House, from the attorney general down to the plumbers.

As evidence accumulated of wrongdoing and crime, he reported not to the director of the FBI (his immediate superior), not to the Justice Department, but to the two journalists. Bob Woodward is thoughtful enough to have recorded, the day after the news about Felt broke, his first meeting with Deep Throat back in 1970, two years before the Watergate break-in. There they both were, waiting in the White House, Woodward to deliver a message from the chief of naval operations, the assistant director of the FBI on a mission of his own. "I could tell he was watching the situation very carefully. There was nothing overbearing in his attentiveness, but his eyes were darting about in a kind of gentlemanly surveillance. After several minutes I introduced myself. 'Lieutenant Bob Woodward,' I said, carefully appending a deferential 'sir.' "'Mark Felt,' he said."

Mark Antony, meeting Brutus, deserved no greater headline in history.

Such things happen. On January 5, 1973, Howard Hunt, an old friend and my sometime boss in the CIA, came to see me. He told me the appalling, inside story of Watergate, including the riveting news that one of the plumbers was ready and disposed to kill Jack Anderson, the journalist-commentator, if word came down to proceed to that lurid extreme.

I took what I thought appropriate measures. I do not believe Jack Anderson's life was actually imperiled, but meanwhile, in an adjacent theater, Mark Felt, posing as an incorruptible agent of the FBI, was advancing his own drama. And now he wants some money for it.

The Court on High

NEW YORK, JUNE 7

THE Supreme Court did what conservative court-watchers should welcome. It looked the California situation in the face and said: If Congress doesn't like the law, let Congress change it, but don't look to the Supreme Court to improvise on the drug laws.

There are now four collateral movements in the matter of the use of medical marijuana where individual states have authorized it:

1) Federal prosecutors are free, after this clarification from the Supreme Court, to proceed to arrest users, on the grounds that the law is the law.

2) The plaintiffs in the current case were two ailing women. Having lost with the Supreme Court, they have said that they intend to continue to use marijuana. One of them said that, actually, she has no alternative, because if she doesn't take the drug, she will simply die.

3) Observers sympathetic to the state laws allowing marijuana for medical pur- poses take comfort in realism. There aren't enough federal prosecutors to move against all the users. One estimate is that only 1 percent of such transgressions is actually meeting up with intervention by the federal constabulary.

4) In his opinion, Justice Stevens hinted that there were two ways to address the deadlock. The first and most obvious is for Congress to revise the current statute to make the exception for medical marijuana. But there is another approach, namely for the executive to reclassify marijuana for medical purposes.

How will these sentiments and inclinations fare?

The easiest way is to treat laws banning medical marijuana about as anti-sodomy laws were treated for generations: Don't repeal them, but don't act on them. There is a theoretical objection to this escapist remedy—we like to think that laws are there to be obeyed. But to proceed under its empirical protection is an easygoing solution to hard, conflicting pressures.

The relief that might be got by the executive's adjusting the proscribed list to permit medical marijuana is opposed

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by the hardliners in the administration. These—in particular John Walters the drug czar—are relying on dogmatic positions which outrage those who have had relief from marijuana during their illnesses. Mr. Walters takes the position that it is not medically established that marijuana uniquely grants such relief as is being touted. Nothing is more infuriating to a person who has been relieved of crippling nausea than to be told that he has not been relieved. It is almost predictable, for reasons of political harmony, that the administration will dodge that problem by simply—doing nothing

What is depressing is the dim prospect of remedial congressional action. Individual congressmen shun the idea of licensing any use of marijuana, unless they can find a way to say that marijuana eliminates income disparity. But in search of political consensus on the matter, there is nothing clearer than the vote of the legislatures of the ten states that authorized medical marijuana. They did so and survived political vicissitudes. If these ten states can take a progressive position on medical marijuana why can't Congress do as much?

There is opposition from more sophisticated observers. What they are saying is that the whole medical marijuana argument is something of a phony. It is certainly true that a lot of people who would like to use marijuana will go to lengths to feign a medical reason for doing so.

But if a federal prosecutor is bent on practicing his profession, he is in a position to establish that the doctor whose name the scofflaw is citing as having prescribed marijuana—didn't really do so, or did so in such ambiguous terms as to persuade the jury that the marijuana user is in contempt of the law. On this front, the permissivists have an eloquent martyr, the late Peter McWilliams who ardently championed looser laws, who himself depended on marijuana for relief from the nausea caused by AIDS—and who died during a period when he was under court scrutiny, pending sentencing, and had to do without the drug.

Taking marijuana when young is a stupid thing to do, but the young generation is not (yet) suffering from cancer and AIDS and other diseases from the ravages of which they might find relief, if they can dance through the congestion of laws and opinions that beset us.

Dems, Behind Closed Doors

NEW YORK, JUNE 10

HOWARD DEAN is great and redolent spice on the political scene. He has been rebuked by senior figures in his own party for his string of recent remarks in which he likened Republicans to poisonous snakes, never mind that he quickly added that he was not opposed to all poisonous snakes. Exactly what those senior Democrats said to Dr. Dean at their closed-door lunch has not been divulged, but we can imagine the scene . . .

One (anonymous) junior senator thought to break the ice by quoting Dean's statement that many Republicans "have not made an honest living in their lives," and then adding, "it all depends what you mean by 'an honest living.'" Sen. Ben Nelson of Nebraska aborted all laughter by saying that in his view, all senators, even Republican senators, "make an honest living."

Dr. Dean was then confronted by Senator Nelson, who wanted an explanation of the charge that the Republicans were made up of "white Christians" who are "not very friendly to different kinds of people. They're a pretty monolithic party. They all behave the same, and they all look the same." Senator Nelson said he knew personally that Republicans "from the other side of town" had welcomed into the Nebraska GOP two Tutsis, "who said they had had long experience in dealing with diversity."

That didn't satisfy Dr. Dean, who, however, was interrupted, this time by Sen. Christopher Dodd of Connecticut, himself a former Democratic chairman. Senator Dodd said that he had "often made remarks" he "regretted"—but that these hadn't caught the attention of the press because when he made the remarks, Mr. Clinton, a Democrat, was in the White House. Dr. Dean greeted that observation impatiently—"Christ, Chris, what does that have to do with it?" At this point Minority Leader Harry Reid broke in and said Senator Dodd had a point. Dr. Dean reacted dismissively: "You know, I think this is exactly what the Republicans want, and that's a diversion."

"Tell us what you mean by that," Senator Nelson said.

"I'd be glad to. We haven't had any discussions about what's going on that's important. What we should be focused on is how to have a decent Social Security system, how to have a strong national defense, how to have jobs in America again, how to deal with incredibly high gas prices and get a decent energy bill which actually will do something about gas prices."

One voice in the room—it wasn't possible to detect whose it was—said, "Howard, what are you taking about? The president has been talking about Social Security since January. What is it the press is hiding, this defense policy that Democrats are trying to get noticed? You say, 'how to have jobs in America again'—Howard what in the hell are you talking about? Unemployment is down to five percent!" . . .

The *New York Times* report on this fractious meeting attempted to piece it all together. Reporter Anne Kornblut wrote, "The question of Dr. Dean's temperament has followed him from the start of his failed presidential bid and was embodied by the infamous scream he delivered after losing the Iowa caucuses, which Republicans used to portray him as an extremist liberal."

Intensive interrogation of Democrats who consented to talk about Dean found that on only one matter was there pretty solid agreement. The most important question is: How much money will the Democrats raise this year?

If they do better than the Republicans, Dr. Dean will be exonerated. But he can't count on Republican donors holding back funds. As Dean might put it, even men who have not made an honest living in their lives still have money to finance their party.

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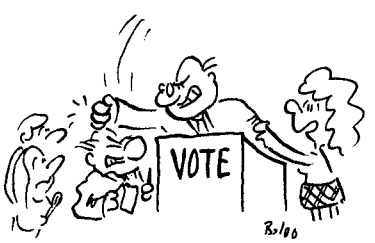

"No, senator, no! You're getting off-message!"

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MARK STEYN

Talk About 'Sicko'

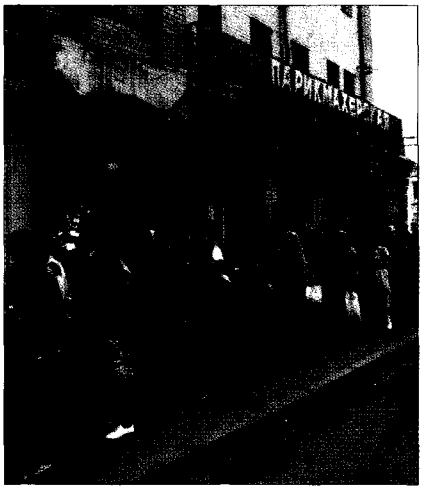
THE trouble with most of the Big Ideas is that at heart they're small, mean ideas applied on a huge scale. Two of them took a colossal knock in recent days, and we should all rejoice. First came the French and Dutch voters' demolition job on the European Union's ersatz constitution designed to enshrine permanent rule by a technocratic elite convinced it knows better than the citizenry what's good for them.

Two weeks later, Canada's Supreme Court struck down the government health-care monopoly, at least as far as the Province of Quebec is concerned. This has vast implications for the Oscar-winning crockumentary maker Michael Moore, whose forthcoming film *Sicko* is a savage indictment of U.S. health care leavened with a *Bowling for Columbine*–type suck-up about how we Canadians do these things so much better. That section may have to be re-edited.

I confess to being something of an agnostic on health care. I'm no fan of "insurance" that bears no relationship to the cost of treatment or your likelihood of getting any particular ailment, or of the defensiveness of a medical system that has to keep one eye on John Edwards prowling the wards for clients.

On the other hand, to spot the drawbacks in your medical treatment, you first have to be getting some. And that's the design flaw in the Canadian system. As the chief justice, Beverley McLachlin, put it, "Access to a waiting list is not access to health care"—and in Canada you wait for everything. North of the 49th parallel, we accept that if you get something mildly semi-serious it drags on while you wait to be seen, wait to be diagnosed, wait to be treated. Meanwhile, you're working under par, and I doubt any economic impact accrued thereby is factored into those global health-care-as-a-proportion-of-GDP tables. The default mode of any government system is to "control health-care costs" by providing less health care. Once it becomes natural to wait six months for an MRI, it's not difficult to persuade you that it's natural to wait ten months, or fifteen. Acceptance of the initial concept of "waiting" is what matters.

True, they've not yet reached the stage of a ten-month waiting list for the maternity ward, but consider the experience of Debrah Cornthwaite, who last year gave birth to twin boys at the Royal Alexandra Hospital in Edmonton. That's in Alberta. Mrs. Cornthwaite had begun the big day by going to her local maternity ward at Langley Memorial Hospital. That's in British Columbia.



Socialism means lines

They told her, yes, your contractions are coming every four minutes, but sorry, we don't have any beds. And, after they'd checked with the bed-availability helpline "BC Bedline," they brought her the further good news that there was not a hospital anywhere in the province in which she could deliver her babies. There followed seven hours of red tape and paperwork. Then, late in the evening, she was driven to the airport and put on a chartered twin-prop to Edmonton. In the course of the flight, the contractions increased to every two-and-a-half minutes—and most Lamaze classes don't teach timing your breathing to the turbulence over the Rockies.

Would you want to do that on your delivery day? You pack your bag and head to your local hospital in Oakland, and they say not to worry, we've got a bed for you in Denver.

But forget the medical arguments and consider the purely political ones. The justification for "universal access" to health care is that a "decent society" does not let its sick suffer because they can't afford an operation. But even as universal access decayed into universal lack of access, the utopian Left defended it all the more vigorously: The fact that we all received the same non-treatment testified to our virtue, though even this perverse defense was utterly phony: One of the most unattractive features of our ersatz egalitarianism was that it led to the creation of a humbug nomenklatura who (like Canada's prime minister) use private clinics for their own health even as they continue to proclaim that decrepit incompetent monopoly public health is an eternal "Canadian value" that can never be changed.

The Canadian columnist Lorne Gunter quoted one of those old jokes intended to reveal national character. This was the one about the American, the Canadian, and the Soviet granted a wish apiece. The American asks to be transported to Montana and given the chance to build a huge cattle herd. The Canadian asks that his rich neighbor with the big herd be taxed more so that Ottawa can give him a grant to buy land and cattle just like the rich neighbor.

The genie then asks the Soviet, "Do you want me to give you land and cattle like your neighbor's, too?"

"No," says the Soviet. "Just kill my neighbor's herd."

As Gunter put it, "Canadian health care advocates seem to have the same attitude as the Soviet." The much vaunted progressiveness and compassion of our defining Big Idea has dwindled down into a kinky pleasure in universal mediocrity.

Of course, despite the government monopoly, Canadian health care does have a private sector. It's called America. In Montreal, we drive an hour south to Plattsburgh or Burlington. If the Democrats have their way and America moves (as it's doing incrementally) to government health care, the entire system will fall apart and we Montrealers will have to drive a week south to Costa Rica. **NR**

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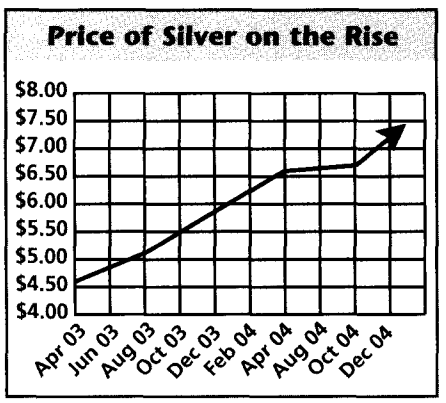

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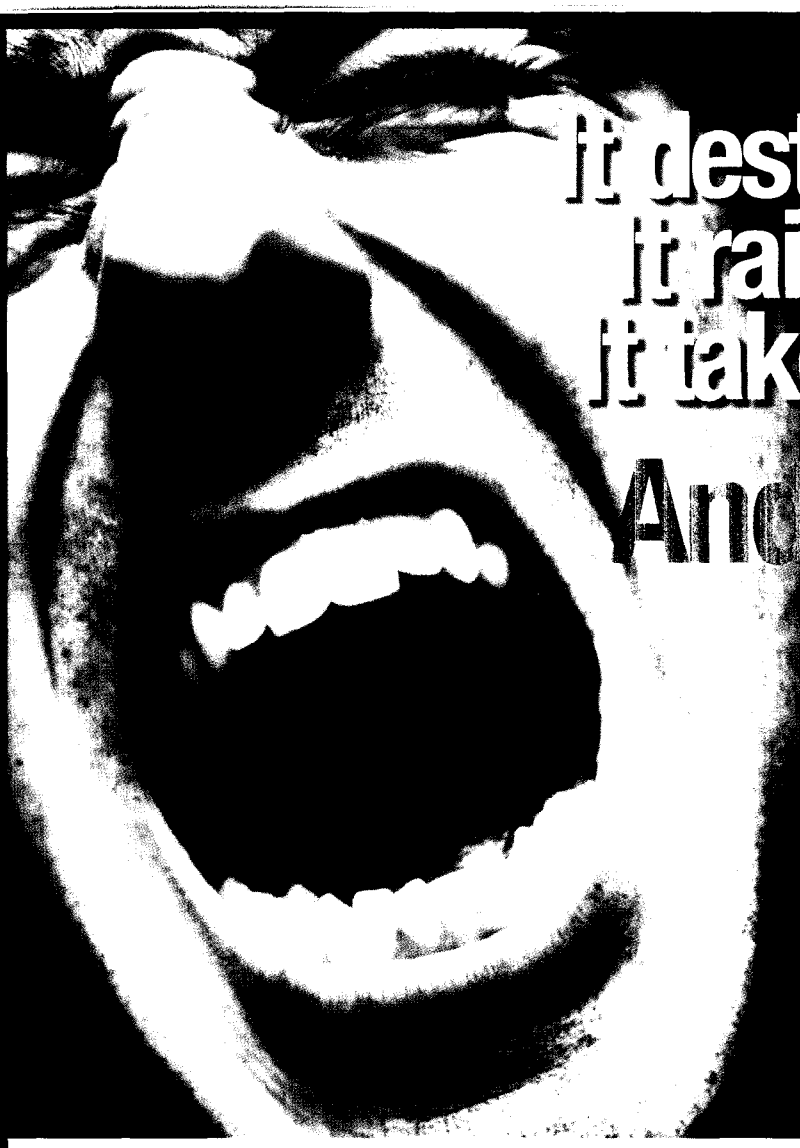

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[1] A January 2005 Tillinghast Towers Perrin study estimated the cost of the U.S. tort system to be $245 billion in 2003, or $845 per person.
[2] Mississippi has recently made reforms to its legal system that, when fully implemented, may change its future ranking.

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